

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 16th FEBRUARY, 1925

Vol. V—No. 16

OFFICIAL REPORT



CONTENTS

Questions and Answers.
Unstarred Questions and Answers.
Demands for Grants—Suggested Form of Amendments.
Demands for Supplementary Grants.
Election of Panels for Standing Committees.
The Prisons (Amendment) Bill—Introduced.
The Cantonments (Amendment) Bill—Introduced.
The Contempt of Courts Bill—Circulated for opinion.

LEGISLATIVE ASSEMBLY.

Monday, 16th February, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

CANVASSING BY APPLICANTS FOR APPOINTMENTS UNDER THE CENTRAL GOVERNMENT.

849. ***Sir Campbell Rhodes:** Will the Government kindly state whether their regulation that "Any attempt on the part of a candidate to enlist support for his application through persons of influence will disqualify him for appointment" applies to all posts under the Central Government and if so does a recommendation from a Member of the Assembly disqualify a candidate for appointment?

The Honourable Sir Alexander Muddiman: The Regulation applies to the majority of posts admission to which is by examination and to certain posts admission to which is by nomination. A Member of the Legislative Assembly is undoubtedly a person of influence and a recommendation from a Member for appointment to a post to which the regulation applies, if solicited by the candidate, would render him liable to disqualification.

Sir Campbell Rhodes: Does that apply to all appointments under Government?

The Honourable Sir Alexander Muddiman: I have had the matter looked into, and there is no general rule. It is a rule in most regulations regulating admission to Government service.

Sir Campbell Rhodes: Will Government make it of general application, because we are much harassed by these applications?

The Honourable Sir Alexander Muddiman: I shall have much pleasure in considering that point.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether that rule applies to Members of the Assembly?

The Honourable Sir Alexander Muddiman: I have just stated that they are persons of influence.

Mr. Gaya Prasad Singh: May I take it that a certificate granted by a Member of the Legislative Assembly to an applicant renders him unfit or disqualified?

The Honourable Sir Alexander Muddiman: If solicited by the candidate and if the candidate canvasses for it, yes.

Mr. Gaya Prasad Singh: But certainly, Sir, no man will give a certificate without being asked for it?

The Honourable Sir Alexander Muddiman: The Honourable Member is better able to speak on that point of fact than I am.

Mr. K. Ahmed: In the case of candidates coming from the interior of the provinces for appointments here under the Central Government, would it not be of great help if they could get a word saying that they possess good characters and have ability and come of good families?

The Honourable Sir Alexander Muddiman: Certificates of that kind are certainly provided for in most regulations.

INDIAN STUDENTS' DEPARTMENT, LONDON.

850. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if it is a fact that the Secretary of State for India has accepted the proposal of the Indian Government in connection with the Lytton Committee Report to maintain the Indian Students' Department in the High Commissioner's Office?

(b) If so, will they please lay a copy of their proposal on the table?

Mr. J. W. Bhore: (a) Yes.

(b) A copy is laid on the table

Extracts from the Government of India's despatch No. 8, dated the 18th September 1924.

* * * * *

4. *Indian Students' Department (paragraph 88).*—The Committee proposes that the Indian Students' Department should be abolished and replaced by (a) a central agency maintained by the Indian Universities in London (paragraph 92 of Report) and (b) an inquiry office in the office of the High Commissioner (paragraph 93 of Report). With the first of the proposed agencies we will deal further in paragraph 7 below. The second amounts to nothing more than the retention of the Indian Students' Department under another name. This is, in fact, the proposal of the High Commissioner who points out that some official organisation is in any case essential:—

- (i) to look after State scholars and the disbursement of their stipends;
- (ii) to administer the funds of youths placed by their parents under the guardianship of the High Commissioner for India; and
- (iii) to perform the functions suggested in paragraphs 93 and 98 of the Report.

We are of opinion that the Indian Students' Department must be retained, but in order to remove prejudice it should, subject to such reorganisation as may be necessary, assume a more neutral title such as "Education Department of the High Commissioner's office" as suggested by the High Commissioner

* * * * *

7. The need for an agency or agencies in London (paragraph 92).

* * * * *

In view of the need for continuing the "Education Department of the High Commissioner's office" we agree, for the present, with the opinion expressed by the Government of the Central Provinces that the work required of a central agency in England could best continue to be performed by this branch of the High Commissioner's office. We are supported in this conclusion by the Indian Universities Conference, which after a careful examination of the question was of the opinion that the proposed University Students' Information Bureau, when formed, might use the existing organisation in Great Britain and that the question of forming a separate central agency in England for Indian Universities might be deferred till further experience had been gained of the working of the Bureau.

* * * * *

We would leave undisturbed the existing arrangement whereunder the Burma Society caters for the requirements of Burma students.

INDIANS IN VARIOUS CLASSES OF APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

851. ***Khan Bahadur W. M. Hussanally:** With reference to Baboo Runglal Jajodia's questions Nos. 619, 620, 621, 622 and 623 in the list of questions dated 31st January 1925, will the Government please furnish the information therein asked, for the North Western Railway?

Mr. G. G. Sim: *Question No. 619.*—The reply already given applies except that there are at present two Indian Assistant Controllers of Stores on the North Western Railway.

Question No. 620.—The information relating to the North Western Railway is available in the Railway Board's Classified List which is in the Library.

Question No. 621.—The reply already given applies.

Questions Nos. 622 and 623.—The Honourable Member is referred to the statistics given in chapter V of the Report by the Railway Board on Indian Railways for 1923-24 showing the numbers, by Departments, of subordinate staff on Indian Railways classified under Europeans, Anglo-Indians, Muslims and Non-Muslims. The Government have no further statistics and do not propose to call for statistics in any greater detail.

SPECIAL XMAS TRAIN FROM KARACHI TO LAHORE FOR EMPLOYEES OF THE NORTH WESTERN RAILWAY.

852. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that an Xmas special train is run every year from Karachi to Lahore and back for the benefit of railway employees only?

(b) If so, what is the number of such employees carried by that train during the last Xmas?

(c) What was the cost of that special to the railway administration?

Mr. G. G. Sim: (a) No.

As an experiment a special train was run last Xmas from Karachi City to Lahore and back for Indian railway employees proceeding to their homes, because in the previous year the travelling public had been much inconvenienced by the large number of railway employees travelling at that time in the regular trains. The alternative to the running of a special train was the duplication of another train and it was considered that the former was preferable as avoiding inconvenience to the travelling public.

(b) About 1,450 from Karachi and Kotri, augmented by others from Sukkur and Multan areas.

(c) It is not possible to calculate the exact cost of this special train but it is probable that the actual additional expenditure involved in carrying these employees was not more than about Rs. 2,000.

INDIAN EMPLOYEES IN THE RAILWAY WORKSHOPS AT KARACHI.

853. ***Khan Bahadur W. M. Hussanally:** (a) What is the total number of Indian employees in the railway workshops at Karachi of various grades and denominations?

(b) How many of these are residents of Sind and how many of the Punjab and elsewhere?

(c) How many of each class are artisans and how many coolies?

Mr. G. G. Sim: The Honourable Member is referred to Chapter V of the Report by Railway Board on Indian Railways for 1923-24, Vol. I, showing the number of Europeans, Anglo-Indians, Muslims and non-Muslims employed on Railways. Government have not got information in any greater detail than this and cannot undertake to collect it.

RECRUITMENT OF SINDHIS IN THE SIND SECTION OF THE NORTH WESTERN RAILWAY.

854. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that Sindhi Muhammadans do not find any place in the Traffic Department and on the Sind section of the N.-W. R. except as menials? If the answer be in the negative, will Government please give their relative numbers in the various Departments?

(b) Is it a fact that Punjabis and others are preferred to Sindhis on the Sind section whether Hindus or Muhammadans? If not, will Government please give their relative numbers apart from menials?

(c) Do Government propose to issue orders that Sindhis be recruited in increasing numbers, whether Hindus or Muhammadans, from year to year with a view to eliminate all unnecessary expense of importation?

Mr. G. G. Sim: (a) Government have no information.

(b) Appointments are made in view of practical qualifications of candidates and Government have no reason to suppose that any such discrimination as referred to is made.

(c) No

INTRODUCTION OF A NEW DIVISIONAL ARRANGEMENT ON THE NORTH WESTERN RAILWAY.

855. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that recently a new divisional arrangement has been introduced on the N.-W. R. and some districts which originally existed on that line have been abolished?

(b) Is it a fact that in consequence of this arrangement several new buildings have been erected at Karachi and elsewhere to accommodate these new offices?

(c) If so, what has been the total cost of these new buildings and the removal of offices generally?

(d) If this new arrangement has been introduced with a view to economy will the Government state how much money has been saved by this course?

(e) How many appointments carrying a salary of over Rs. 500 a month have been abolished in consequence of this change and how many of lesser rank?

(f) If the new arrangement has been introduced for some other reasons what are they?

Mr. G. G. Sim: (a) Yes.

(b) Yes.

(c) The approximate cost is Rs. 2,01,531.

(d), (e) and (f). The Honourable Member is referred to item (c) of the reply given in this Assembly on 2nd February, 1925, to Mr. Chaman Lal's question No. 535.

GRANT OF COMPENSATORY ALLOWANCE TO RAILWAY EMPLOYEES AT KARACHI.

856. ***Khan Bahadur W. M. Hussanally:** Will Government be pleased to refer to the reply given to unstarred question No. 2120 asked on the 17th of September 1924, and state if any decision has been arrived at with regard to grant of compensatory allowance to railway employees drawing over Rs. 100 per mensem and stationed at Karachi?

Mr. G. G. Sim: The matter is still under consideration.

GRANT OF EXTRA PAY TO INDIAN DRIVERS FOR SUNDAY WORK.

857. ***Khan Bahadur W. M. Hussanally:** Will Government be pleased to refer to reply given to unstarred question No. 2151 (d) asked on the 12th of September 1924 and state if any decision has been arrived at with regard to the grant of the same privileges of extra pay to Indian drivers for working on Sundays as are enjoyed by the European and Anglo-Indian drivers? If not, when is it likely to be arrived at?

Mr. G. G. Sim: Government have called for a report on the subject from all Railways. All the replies have not yet been received. As soon as all replies have been received, the question will be considered and a decision arrived at as soon as possible.

HAJ COMMITTEES.

858. ***Maulvi Mohammad Shafee:** (a) Will the Government be pleased to state when were the Central Haj Committee and the other Haj Committees at Jeddah and in the Provinces of India and other important centres formed?

(b) What was the object of forming them and what are the rules and regulations which govern the Haj Committees as at present constituted?

(c) What is the cost of maintaining the Haj Committee at Jeddah, the Central Haj Committee and the other Haj Committees in British India?

(d) Would the Government be pleased to place on the table the report, if any, of the working of the said committees from the time of their establishment to the present time?

Mr. J. W. Bhore: The reply to this question is somewhat lengthy and with your permission, Sir, I shall lay it on the table.

(a) The Central and the Jeddah Haj Committees were formed in 1922. The Haj Committees in Bombay, Karachi and Calcutta were created in 1908, 1912 and 1913, respectively. The Committee in Calcutta was converted into a provincial Committee in 1917. The Bihar and Orissa Haj Committee was constituted in 1914. The Government of India have no information as to whether there are other Haj Committees and, if so, when they were constituted.

(b) The Central Haj Committee was formed mainly for the purpose of raising funds from the Muslim community to meet the cost of the repatriation of indigent Indian pilgrims stranded at Jeddah. But as no adequate response was forthcoming to the appeal for private funds, this Committee ceased to function. The Committee in Jeddah was intended to assist the British Agent and Consul in administering funds raised from private sources which might be placed at his disposal for repatriating destitutes, and became moribund for the same reason as the Central Haj Committee.

The object of forming the provincial and local Committees at different centres in India was to provide suitable local agencies to assist in the collection of funds from private sources for repatriating destitutes, to disseminate information regarding the approximate dates of sailing, rates of fares and other matters connected with the pilgrimage, to advise and assist intending pilgrims from their respective localities, and to supply timely information to the Haj Committees at the ports of embarkation in regard to the numbers and dates of departure of such pilgrims. No rules or regulations have been framed by Government in regard to these Committees.

(c) As I have pointed out in my answer to part (b) of the question, the Central Haj and the Jeddah Committees no longer exist. The Government of India give financial assistance from central revenues only to the Bengal and Bihar and Orissa Haj Committees, but to no others.

(d) No such report has been received by the Government of India.

FACILITIES FOR INDIAN PILGRIMS IN JEDDAH.

859. ***Maulvi Mohammad Shafee:** What arrangements, if any, have been made in Jeddah to secure facilities for the Indian pilgrims on their return from the Holy places pending re-embarkation for the return journey?

Mr. J. W. Bhore: There is a British Consul at Jeddah to give advice, assistance and protection to British subjects and British protected persons, including Indian pilgrims to the Hedjaz. A special Indian Pilgrimage Officer has also been employed at Jeddah during the last two pilgrim seasons in order to assist the British Consul in looking after their welfare.

ORGANIZATIONS FOR THE SUPERVISION OF THE EMBARKATION OF PILGRIMS.

860. ***Maulvi Mohammad Shafee:** Is there any Government or private agency to organize the actual embarkation of the pilgrims at the ports of departure? If so please state the actual working of such organizations?

Mr. J. W. Bhore: In Bombay all arrangements for the embarkation of pilgrims are made by the Pilgrim Department and the Port Health Staff. The Pilgrim Department peons conduct pilgrims from the *Musafir Khanas* to the disinfection station and from there to the ship. Actual embarkation is conducted and controlled jointly by the Port Health Office and the Pilgrim Department Staffs. Similar arrangements are made at Karachi where Government Departments are also helped by a non-official Haj Committee. At the wharf the Police Department keeps order and prevents unauthorised persons entering the areas reserved for pilgrims.

PORTS OPEN FOR THE PILGRIM TRAFFIC.

861. ***Maulvi Mohammad Shafee:** Which ports were opened for the departure of pilgrim ships last year and what were the numbers of pilgrims embarking from these ports?

Mr. J. W. Bhore: The ports of Bombay and Karachi were open to pilgrim traffic last year. No new port was opened. The total number of pilgrims who sailed from these two ports was 18,060; 11,800 from Bombay and the rest from Karachi.

Mr. K. Ahmed: Do Government propose for the benefit of the public to open the Port of Calcutta?

Mr. J. W. Bhore: That question is now under consideration.

Mr. K. Ahmed: Do Government realise that this matter has been under consideration for the last two or three years and that last year the Honourable Member himself promised that they would consider it?

Mr. J. W. Bhore: I am perfectly aware of that fact, Sir, and I hope that it will be possible to come to a decision very shortly.

REPATRIATION OF DESTITUTE PILGRIMS.

862 ***Maulvi Mohammad Shafee:** What was the number of destitute pilgrims at Jeddah in the year 1924? How many were repatriated to ports in British India? What amount of money has to be incurred on their account? How much of it had the Government to spend? How much of it came from private sources?

Mr. J. W. Bhore: The Honourable Member is referred to the statement laid on the table on the 9th February 1925 in reply to his starred question No. 818.

HOUSE RENT ALLOWANCE OF DEPUTY, ASSISTANT AND SUB-POSTMASTERS IN LAHORE.

863. ***Mr. S. Sadiq Hasan:** (a) Will the Government be pleased to state if it is a fact that the house rent allowance paid to Deputy, Assistant and Sub-Postmasters in Lahore has been stopped from the 1st July 1924 and if it is also a fact that similar allowances in other provinces stand untouched?

(b) Do Government see any reason to deprive these officials in Lahore of the said allowance where house rent is extremely high?

(c) Will the Government be pleased to state whether the Assistant Postmasters and Deputy Postmasters in Lahore are required to attend offices at inconvenient hours, i.e., other than 10 A.M. to 4 P.M.?

(d) If so, are the Government prepared to restore the allowance in question?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply to the first query is in the affirmative and to the second in the negative.

(b) The house rent allowances of the officials were withdrawn in accordance with a general principle which was laid down in respect of the grant of house rent allowances to postal officials.

(c) The officials referred to are required to attend office at hours other than 10 A.M. to 4 P.M.

(d) The Director-General is reviewing the matter.

CLASSIFICATION OF CERTAIN POSTAL OFFICIALS.

864 ***Mr. S. Sadiq Hasan:** (a) Will the Government be pleased to state whether Deputy Postmasters and Assistant Postmasters belong to the same cadre to which the other Postmasters holding superintending charge belong?

(b) Will it also be pleased to state whether Personal Assistants to the Postmaster General belong to the same cadre as Superintendents of Post Offices?

Sir Geoffrey Clarke: With your permission, Sir, I propose to answer questions Nos. 864 and 865 together. Superintendents of Post Offices and of the Railway Mail Service and such of those officers as may be appointed as Personal Assistants to the Heads of the Postal and Railway Mail Service Circles are all in the same cadre and on the same scales of pay. Duty allowances of Rs. 100 each are granted to those Superintendents who work as Personal Assistants in consideration of the fact that they act as Secretaries to Heads of Circles, and their duties are more arduous than those of Divisional Superintendents. Postmasters, Deputy Postmasters and Assistant Postmasters, however, are on scales of pay depending on the importance of the posts which they hold.

DUY ALLOWANCE OF PERSONAL ASSISTANTS TO THE POSTMASTER GENERAL.

†865. ***Mr. S. Sadiq Hasan:** (a) Will the Government be pleased to state whether a duty allowance of Rs 100 p m. is granted to every P. A. working in the P. M. G.'s office?

(b) If the reply is in the affirmative will the Government be pleased to state why a different treatment is extended to Deputy and Assistant Postmasters of Lahore?

COMPENSATORY ALLOWANCES TO SELECTION GRADE POSTAL OFFICIALS STATIONED AT LAHORE, DELHI, RAWALPINDI AND PESHAWAR.

866 ***Mr. S. Sadiq Hasan:** (a) Are the Government aware that the time scales for post office clerks, postmen and other staff at Lahore, Delhi, Rawalpindi and Peshawar are higher than those prevailing at other places in the Punjab and N.-W. F. Circle and does it mean that this is due to the higher cost of living?

(b) If so will the Government be pleased to state why no compensation allowance is given to selection grade officials at the above-named places?

Sir Geoffrey Clarke: (a) The answer to the first query in this part of the question is in the affirmative. The reasons given by the Postal Committee of 1920 for the grant of the higher pay referred to in the towns of Lahore, Delhi, Rawalpindi and Peshawar were not only that in these large towns the cost of living is comparatively high but that the work in the post offices there is more arduous and difficult than in post offices in the smaller towns and it was hoped that the more favourable scale of pay would attract recruits of a higher order of intelligence.

(b) Selection grade appointments are supervisory and their responsibilities are not affected by the size of the towns in which the incumbents are stationed. Further, direct recruits are not taken into the selection grades.

OPIUM TRAFFIC.

867. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1689 of the 8th September 1924, regarding opium, has the attention of the Government been drawn to an article entitled "The Opium Traffic, England's Responsibility" by Miss Ellen N. La Motte, published

† For the Answer to this Question—see below question No. 864.

in the *Nation* of New York, and reprinted in the *Servant* newspaper, dated the 15th October 1924, in which the following passage occurs:

“Whenever the opium trade is mentioned, one inevitably speaks of England. The two go together, hopelessly intertwined, because for a century and a half England has so closely identified herself with this traffic that there is no way of mentioning the one without of necessity speaking of Great Britain’s share in it. The lion’s share unfortunately! In the first place, Great Britain has three separate interests in opium. As a producing country, India leads in the world output; as a consuming country, Great Britain has more colonies where opium is eaten and smoked than any other nation; and as a manufacturing country, England plays a great role in the manufacture of morphia, heroine, codeine, which are derivatives of opium.”

(b) Is it a fact as stated in the article referred to that:

“Wellington Koo in 1921 introduced a Resolution before the Council of the League of Nations asking that opium production be limited to the strict medical needs of the world and that at the suggestion of the British delegate, the Assembly of the League changed the wording of this Resolution so that opium was to be produced for medical and legitimate needs.”

The Honourable Sir Basil Blackett: (a) The Government have seen the article. It is of course not true that India ‘leads in the world’s output.’ The estimated production in China is about 12,000 tons annually—whereas the Indian production (including the annual production of Indian States) is approximately 1,500 tons. The estimated world production is over 15,000 tons. I may add that most of the other allegations in the article are equally unfounded.

(b) The change suggested was made at the instance of the Indian delegate—the Right Honourable V. S. Sastri. I have more than once explained in this House the reasons which render it impossible to attempt to limit the supply of opium in India to those who can procure a medical certificate.

Mr. C. Duraiswami Aiyangar: May I know, Sir, if the Honourable Member is prepared to give up opium as a source of revenue for the ensuing year?

The Honourable Sir Basil Blackett: The Honourable Member may judge for himself the answer to a question like that.

GRANT OF EXTRA PAY FOR SUNDAY WORKS TO INDIAN DRIVERS ON THE EASTERN BENGAL RAILWAY.

868. ***Mr. Amar Nath Dutt:** With reference to the reply given by the Chief Commissioner of Railways to part (d) of question No. 2151 asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state what decision has been arrived at in the matter of extending the privileges in respect of extra pay to the Indian drivers as are enjoyed by the European and Anglo-Indian drivers on the E. B. Railway?

Mr. G. G. Sim: The Honourable Member is referred to the reply given by me to a similar question asked by Khan Bahadur W. M. Hussanally.

SUPPLY OF FILTERED WATER TO THE RAILWAY EMPLOYEES AT PAKSEY ON
THE EASTERN BENGAL RAILWAY.

869. ***Mr. Amar Nath Dutt:** (a) With reference to Government reply to question No. 2264, asked in the Legislative Assembly on the 19th September, 1924, will the Government be pleased to state if any inquiry has been made from the Agent, E. B. Railway?

(b) If so, will the Government please communicate to the House the result of that inquiry?

Mr. G. G. Sim: (a) and (b). As promised in the reply to question No. 2264, a copy of the question was furnished to the Agent, Eastern Bengal Railway. The Government will now ask for the Agent's remarks on the question and communicate with the Honourable Member in due course

PROVISION OF QUARTERS FOR THE SUBORDINATE STAFF OF THE EASTERN
BENGAL RAILWAY.

870. ***Mr. Amar Nath Dutt:** With reference to the reply given by the Government to starred question No. 2144, asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state:

(a) What amount has up to date been sanctioned for the provision of quarters for the subordinate staff of the Eastern Bengal Railway?

(b) Whether the construction of such quarters has already been taken up or not?

(c) Where these quarters are being or will be built and when the construction, if already commenced, is expected to be completed?

(d) For what class or section of the staff these quarters are meant?

Mr. G. G. Sim: (a), (b) and (c). During the past two years the Railway Board have sanctioned estimates amounting to approximately Rs. 18 lakhs for the construction of quarters in Calcutta and its suburbs for the subordinate staff of the Eastern Bengal Railway. They do not know how far the work on these estimates has proceeded.

(d) The quarters are intended for the use of subordinates of the engineering, locomotive and traffic departments and for some clerks.

WORKING HOURS OF THE TRAFFIC AND TRANSPORT STAFF ON INDIAN
RAILWAYS.

871. ***Mr. Amar Nath Dutt:** (a) With reference to Government reply to starred question No. 2152, asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state if the inquiry they promised to make, has been completed?

(b) If so, will the Government please communicate the result to the House?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 150 on the 23rd January 1925.

APPEALS OF THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY AGAINST
THE ORDERS OF DISTRICT OFFICERS.

872. ***Mr. Amar Nath Dutt:** (a) With reference to Government reply to starred question No. 2143, asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state if they have received the remarks from the Agent, E. B. Railway, in regard to this question?

(b) If so, will the Government please place them before the House?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar question No. 148.

APPOINTMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS
ON THE EASTERN BENGAL RAILWAY.

873. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state why the running staff in all the Railways and especially in the Eastern Bengal Railway simply after passing the examination of train-passing, are allowed to become station masters and assistant station masters of important stations with higher salaries in preference to those who are already working as station masters and assistant station masters?

(b) Does not this practice block the prospects and promotion of senior men who are working in those capacities?

(c) If the answer to (b) be in the affirmative, are the Government prepared to issue orders to put a stop to such practice?

Mr. G. G. Sim: (a), (b) and (c). The selection of staff for the posts referred to is a matter for the Agent's discretion with which Government do not interfere.

RECRUITMENT OF OUTSIDERS INSTEAD OF RE-EMPLOYMENT OF RETRENCHED
MEN ON THE EASTERN BENGAL RAILWAY.

874. ***Mr. Amar Nath Dutt:** (a) With reference to Government reply to unstarred question No. 35, asked in the Legislative Assembly on the 1st February, 1924, will the Government be pleased to state whether the inquiries promised by the Government have been completed?

(b) If so, will the Government please communicate to the House the result of their inquiries?

Mr. G. G. Sim: (a) Yes.

(b) (i) The reply to the first part of the inquiry is in the negative so far as the Engineering, Stores, Medical and Locomotive Departments are concerned. In the other Departments of the Railway 37 have been re-employed of whom 36 were Indians and 1 Anglo-Indian. In addition 47 outsiders were appointed of whom 43 were Indians and 4 Anglo-Indians.

(ii) So far as subordinate staff is concerned, the reply is in the negative. But in the case of certain low paid staff discharged outsiders were engaged as the men retrenched had left the locality and were not available.

SUPPLY OF WAGONS TO EMPLOYEES OF THE OUDH AND ROHILKHAND
RAILWAY.

875. ***Mr. Amar Nath Dutt:** (a) Is it a fact that formerly the O. and R. Railway authorities used to supply a cattle wagon to all clerical staff irrespective of pay, on transfer?

(b) Is it a fact such privilege has now been restricted to employees drawing below Rs. 70?

(c) Is it also a fact that all upper subordinates are supplied with as many wagons as they require, on transfer?

(d) If so, will the Government be pleased to state the reason for this differential treatment?

Mr. G. G. Sim: Domestic matters of this kind are within the competence and left to the discretion of the Agent.

THE POST OFFICE INSURANCE FUND.

876. ***Mr. Kumar Sankar Ray:** (a) Has the attention of the Government been drawn to an article under the head "Insurance—Post Office insurance fund" published in the *Wealth and Welfare* weekly, dated Lucknow, the 21st November 1924, and what action do they propose to take in the matter?

(b) When were the last 2 actuarial valuations of the Fund made? What was the basis of valuation and what rate of bonus was declared at each?

(c) How do the rates of premium of the Postal compare generally with those of the Indian Insurance Companies?

(d) Are the Government aware that there is a good deal of feeling in the public that the Fund is a burden on the public for the sake of a few Government servants, and do the Government contemplate making an inquiry into the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, Government do not propose to take any action in the matter

(b) The last two actuarial valuations of the Post Office Insurance Fund were made as at 31st March 1917 and 31st March 1922. With respect to the basis of valuation the Honourable Member is referred to the reply to Mr. Kelkar's question No. 362 on the 17th September 1924. As a result of the 1917 valuation a simple reversionary bonus of $1\frac{1}{2}$ per cent. in the case of whole life assurances and 1 per cent. in the case of endowment assurances was declared, whereas for the 1922 valuation a simple reversionary bonus of $1\frac{1}{2}$ per cent. in the case of whole life and $\frac{4}{5}$ per cent. in the case of endowment assurances was declared.

(c) The rates of premium of the Post Office Insurance Fund appear to be generally lower than those of the Indian Life Assurance Companies.

(d) The answer to both parts of the question is in the negative.

THE POST OFFICE INSURANCE FUND.

877. ***Mr. Kumar Sankar Ray:** (a) Is it a fact that the valuation and other figures of the Postal Insurance Fund are not published along with those of other Indian and foreign companies? If not, why not?

(b) Do the Government contemplate issuing orders that the same facilities should be provided to the Government servants concerned to study and compare the facts and figures regarding the Postal as regarding all other Insurance Companies?

(c) Have Government got the same control and supervision over Fire, Marine and other Assurance Companies as over Life Insurance offices? If not, do the Government propose to have it in the near future?

The Honourable Sir Charles Innes: (a) and (b). Valuation statements and other figures relating to the Postal Insurance Fund are included in the current issue of the Indian Life Assurance Year Book which is now in the Press.

(c) No. The present Act only relates to Life Assurance Companies. The Government of India propose to deal also with other forms of insurance in the Bill which they have under preparation

NEW PENSION RULES, ETC.

878 ***Mr. Kumar Sankar Ray:** (a) When will the new Pension Rules under the Fundamental Rules for the Government servants under the Central Government and Provincial Governments be brought into force?

(b) Are the Government aware that Government servants generally prefer Provident Fund or Gratuity system as compared with pension?

(c) Do the Government contemplate replacing pension by Provident Fund (as in the Railway Department and District Boards and other private firms and schools) in the near future? If not, why?

The Honourable Sir Basil Blackett: (a) The draft rules are still under the consideration of the Secretary of State and it is not possible to say when they will be brought into force.

(b) The Government are aware that there is a certain body of opinion in favour of a Provident Fund system in place of a pension system, but they are not in a position to say whether this is the general view of Government servants as a whole.

(c) The question is under consideration.

ALLEGED DISCONTENT IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, WAZIRISTAN DISTRICT, LAHORE.

879. ***Mr. Kumar Sankar Ray:** (a) Are the Government aware that there is a good deal of discontent in the temporary clerical establishment of the office of the Controller of Military Accounts, Waziristan District, Lahore, on account of the highhandedness of Mr. E. I. Robbin, the officer in charge of establishment (General) section? If not, are the Government prepared to make an inquiry in this respect?

(b) Are the Government aware that during the last year he discharged many clerks on the plea of retrenchment and that he has always selected for reduction neither junior nor inefficient men, but those who were always considered to be the best men in the interest of office work, but undesirable from his standpoint?

(c) How many appeals and representations against his orders on establishment matters have been received by the C. M. A. or the M. A. G. since his assuming charge of the office?

(d) Is it a fact that it has never been possible for the aggrieved persons to have their wrongs redressed? If not, in which cases were his orders reconsidered and altered by the C. M. A. or M. A. G.?

(e) Will the Government be pleased to state what action has been taken by the M. A. G. on the appeals from the clerks discharged from that office since April last and the compensation, if any, paid to them by his orders?

The Honourable Sir Basil Blackett: (a) Since notice of the question was first received inquiries have been made which show that there are no justifiable grounds for any discontent there may be on account of action taken under the orders of the Controller who is the responsible head of the office.

(b) The answer is in the negative. I understand that, before the Controller selected temporary clerks for discharge on reduction of establishment, due consideration was given to the merit and service of each clerk.

(c) Eight representations from discharged clerks have been received by the Military Accountant General.

(d) The answer is in the negative. Every clerk has the right to represent his case in person to the Controller and I am informed that the Controller has, in fact, granted interviews to several temporary clerks.

(e) Since April last six representations have been received by the Military Accountant General. In one case only did he see any reason to alter the Controller's decision and in that case the clerk has been reinstated. There was no justification for the grant of compensation in this instance.

DELIVERY OF POSTAL ARTICLES AT RAISINA.

880. ***Mr. Kumar Sankar Ray:** (a) Are the Government aware that the postal articles addressed to Indian clerks at Raisina are usually received with at least a day's delay because they are first received in the Raisina P. O. and then in the Havelock Square P. O. from where the delivery is made?

(b) Are not the postal officials expected to know that all the Indian clerks' quarters are in the jurisdiction of the Havelock Square P. O. and that the letters should be sent to the delivery P. O. direct?

(c) Do the Government propose to have only one delivery office at Raisina?

Sir Geoffrey Clarke: (a) No. Both the Raisina and Havelock Square post offices are delivery offices and postal articles intended for delivery from each of them are separately sorted by the Delhi head post office and sent direct to the respective offices. It is, however, possible that a few articles for either of these offices may find their way to the other and thus suffer a little delay.

(b) For purposes of the delivery of postal articles the Indian clerks' quarters situated in different Squares are divided between the post offices at Paharganj and Havelock Square. The sorters in the Delhi head post office know what Squares are served by each of those two offices. None of the Indian clerks' quarters is served through the Raisina post office.

(c) No.

RENT OF A D CLASS QUARTER AT RAISINA.

881. ***Mr. Kumar Sankar Ray:** (a) Will the Government be pleased to state the total amount of rent (including water, furniture and electricity charges) payable per mensem for a D Class quarter at Raisina by those in receipt of pay of Rs. 75 or 80?

(b) Are the Government also aware that the clerks of the moving offices have to pay rent for the full year at Simla in addition to the rent that they are required to pay for their Delhi quarters?

(c) Will the Government please state if it is correct that the quarters are to be sold or given on lease? If so, when and what concession or facilities will be allowed to the Secretariat establishments to purchase the houses?

The Honourable Sir Bhupendra Nath Mitra: (a) The rules sanctioned for the recovery of rent for the clerks' quarters at Raisina prescribe that a clerk drawing less than Rs. 100 per month will pay rent at 11 per cent. of his pay for the building and special services, the rent for furniture and the cost of water and electric current being paid in addition. The rent payable by a clerk on Rs. 75 occupying a D Class quarter is thus Rs. 8-4-0 per month for the building and special services. In addition to this he is required to pay Rs. 2-8-0 a month for rent of furniture if, at his option, he takes a furnished quarter. He also has to pay a fixed charge of 0-12-0 a month for filtered water and he pays for the electric current actually consumed at 0-3-0 a unit. A clerk getting Rs. 80 a month pays about 0-8-0 more per month than a clerk getting 75.

(b) It is not the case that all clerks of moving offices pay a full year's rent for Government accommodation at Simla. Those to whom the Simla Allowances Code applies enjoy the concession of rent free quarters or of a house allowance which they have at their own option elected to retain in lieu of free quarters. A certain number, however, to whom the Simla Allowances Code does not apply have to pay house rent for the full year at Simla.

(c) It is not correct.

CONCESSIONS FOR WAR SERVICES.

882. ***Mr. Kumar Sankar Ray:** (a) Is it a fact that a good many promises and hopes were held forth to those who served in the prosecution of the War and that some rewards and concessions were also sanctioned by the Government of India, but the concessions were actually granted in very rare cases, if at all, by the officers who were authorised to do so?

(b) Are the Government prepared to issue another set of instructions for the guidance of the heads of departments and for general information?

(c) Will the Government be pleased to state if the broken or continuous service in the prosecution of the War and in Military offices after the close of the War can be counted for leave, pension and increments after a candidate is appointed in permanent appointment in a civil department?

The Honourable Sir Alexander Muddiman: (a) I regret that I cannot give any answer as regards the promises and hopes held forth unless the Honourable Member will specify clearly to what promises and to what kind of war services he refers. In their Resolutions of 8th August 1919

and 15th September 1921 Government granted concessions in the matter of securing civil appointments to persons who had rendered service in connection with the prosecution of the war varying according to the nature of the service and in respect of pensions to persons who had rendered military service during the war. Government have no grounds for supposing that the concessions were not utilized as intended.

(b) No. Government are not aware that another set of instructions is required.

(c) I will send the Honourable Member a copy of the Resolution of 15th September 1921, which grants to those who rendered military services during the war certain concessions as to pensions. Concessions were also made to candidates for various Imperial services who had taken part in the war. Apart from this, service in the prosecution of the war and in Military Offices is governed by the general rules governing services rendered before permanent appointment.

ADDRESSES OF FIRMS MANUFACTURING ARTICLES OF INDIAN MANUFACTURE.

883. ***Mr. Kumar Sankar Ray:** (a) Will the Government be pleased to state if there is any publication or list issued by the Department of Industries or Stores Department which gives the addresses of the firms manufacturing articles of Indian manufacture in the various provinces?

(b) If the reply to the above be in the negative, will the Government be pleased to state if they are prepared to undertake this work for the information of the general public and Government purchasing departments and also in the interest of Indian industries?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative.

(b) Government will give this suggestion their consideration.

PENSIONS OF ARMY HEADQUARTERS DAFTARIES.

884. ***Mr. Kumar Sankar Ray:** (a) With reference to my starred question No. 2327 (relating to Army Headquarters Daftaries) of the last Simla session, will the Government please state the grounds on which they regard the appointments of daftaries in the Civil Secretariat as having a higher status in the face of their reply to clause (b) and also in view of the fact that there exists no differential treatment in respect of pay or pension in regard to other classes of menials employed both in the Secretariat and Army Headquarters?

(b) Will the Government quote authority under which 2 Government servants, of the same class, at the same station, performing similar duties, and getting the same rates of pay and increments, can be granted different rates of pension?

(c) Does not above apply to the case of daftaries of Army Headquarters only? If not, will the Government state the other services or appointments which are at present affected by it?

(d) Are the Government prepared to reconsider the case of the Army Headquarters daftaries for bringing their pension on a level with their Secretariat brethren?

Mr. E. Burdon: (a) and (b) The reason for the distinction is merely this that the Government of India not unnaturally regard the Secretariat offices as more important than the attached offices or other subordinate offices in the same place and therefore find it justifiable to spend more money on the former.

(c) The daftaries of other attached offices of the Government of India. e.g., Director-General, Indian Medical Service, Director, Intelligence Bureau, Director of Public Information, Indian Meteorological Department, etc., though in receipt of the same rates of pay as those in the Secretariat, receive a pension of Rs. 4 only per mensem

(d) No.

CONSTRUCTION OF THE ISHURDI-PABNA-SADHUGANJ RAILWAY.

885. ***Mr. Kumar Sankar Ray:** (a) Do the Government contemplate the construction of the Ishurdi-Pabna-Sadhuganj Railway in north Bengal at an early date either themselves or through private enterprise?

(b) If the Government are contemplating doing it themselves, will any provision be made for its construction during the next financial year? If so, what is the nature of such provision?

Mr. G. G. Sim: A traffic survey of the proposed Ishurdi-Pabna-Sadhuganj Railway has been ordered. Pending the receipt of the results of the survey, Government are not in a position to state whether the construction of the line will be undertaken.

THE ARMY CANTEN BOARD.

886. ***Mr. W. S. J. Willson:** (a) Have Government accepted the principle of Government trading?

(b) Does the need which Government stated existed for a Government run Canteen supply in the Frontier districts extend to the settled districts?

(c) Does the Canteen Board pay to Provincial Governments and Municipalities the same license fees and octrois as traders do?

(d) Are the salaries of all employees—civilian and military—debited to the Canteen Board or are any debited to Military Services?

(e) Is the cost of transport debited to the Canteen Board?

(f) Do the State Railways make any concessions to the Canteen Board in the matter of freight?

Mr. E. Burdon: (a) Government endeavour as far as possible to avoid competing with private trade. They consider, however, that the objections which are rightly taken to other forms of Government trading do not apply to the services which are rendered to the troops by the Army Canteen Board in India, or by the Navy, Army and Air Force institutes in the United Kingdom, and in places outside the United Kingdom where British forces are stationed.

(b) The need is greater in frontier stations which lack the ordinary commercial sources of supply, but speaking generally, it may be said that it is to the advantage of the troops to have the Army Canteen Board system in other military stations also. As noted in paragraph 51 of the 3rd Annual Report of the Board of Management of the Army Canteen Board, applications have been received from Officers Commanding Units

stationed in Central India requesting the Board to take over the conduct of their regimental institutes. Government have, however, limited the expansion of the Army Canteen Board to the Northern Command and certain stations in the Western Command. These constitute, for obvious reasons, the most suitable locality in which to place an organisation intended to provide for the contingencies of mobilization. Government do not intend at present to permit any further expansion. The essential purpose of expanding to the limits now authorised was to give the Army Canteen Board a sufficient range of business to support in peace time the overhead charges of the establishment which would be required in the event of war.

(c) The answer is in the affirmative.

(d) The salaries of all employees under the Board are debited to the Army Canteen Board (India).

(e) Yes

(f) No.

INSUFFICIENCY OF RAILWAY CARRIAGES ON THE EAST INDIAN RAILWAY.

887 ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the letter addressed to the Editor of the *Forward* by M. A. Rafay and published in that paper on the 24th October 1924 about the insufficiency of carriages in certain passenger trains of the East Indian Railway?

(b) Are the Government prepared to ask for an explanation from the railway authorities and also to issue instructions to the East Indian Railway to provide sufficient carriages for passengers?

Mr. G. G. Sim: (a) Government have seen the letter referred to.

(b) It is understood that this was due to a temporary shortage of stock caused by heavy demands elsewhere and that arrangements have been made which it is hoped will obviate further cause for complaint in this direction.

INSUFFICIENCY OF RAILWAY CARRIAGES ON THE EAST INDIAN RAILWAY.

888. ***Mr. S. C. Ghose:** (a) Has the attention of the Railway Board been drawn to the letter published in the *Forward* of the 17th October 1924 entitled "A Railway Grievance"?

(b) Will the Government give the reasons for providing insufficient carriages for passengers?

(c) If there were not sufficient carriages for passengers, will the Government state why tickets were issued to passengers who were in excess of the numbers which could be accommodated in the carriages?

(d) Has any compensation been paid to the Bengali gentleman who became insensible and had to be carried to the railway hospital for treatment?

Mr. G. G. Sim: (a) to (d). Government have not seen the particular letter referred to, but in this connection the Honourable Member's attention is invited to the reply given on the 22nd January 1925 to question No. 49.

TREATMENT OF EX-KING PREMPEH OF ASHANTI IN BOMBAY.

889 ***Mr. S. C. Ghose:** (a) Will the Government state the date of the arrival at Bombay of ex-King Prempeh of Ashanti from Seychelles and the steamer by which he arrived?

(b) Did the Government show any hospitality to ex-King Prempeh during the time he was in Bombay?

(c) Is it a fact that the custom authorities made a distinction in their treatment of the Political Agent who was a 1st class passenger and who accompanied ex-King Prempeh and the ex-King himself?

(d) On which date and by which steamer did the ex-King leave for England?

Mr. Denys Bray: Though the matter does not appear to be of any public interest, I am endeavouring to obtain the information which the Honourable Member seeks.

FLOOD IN THE UNITED PROVINCES.

890 ***Mr. S. C. Ghose:** (a) Has the Government of India received intimation from the Government of the United Provinces as to the extent of damage as regards the loss of human life, the loss of cattle and the destruction to property during the last flood?

(b) Did the Government of the United Provinces ask for any help from the Government of India?

Mr. J. W. Bhore: (a) No

(b) The Government of the United Provinces have asked for an advance of Rs. 48,69,000 for the restoration of canal works, roads and bridges destroyed by the floods last year.

PROPORTION OF 7 PER CENT. LOAN FLOATED IN LONDON HELD BY INDIAN INVESTORS.

891. ***Mr. S. C. Ghose:** Will the Government state what amount of the 7 per cent. loan which was floated in London a few years ago is held by investors in India?

The Honourable Sir Basil Blackett: The Government have no information.

PROVINCIAL RESTRICTIONS ON THE OPENING OF BRANCH OFFICES BY CHARTERED ACCOUNTANTS AND CERTIFIED AUDITORS.

892. ***Mr. O. S. Rangā Iyer:** (a) Are the Government aware of the fact that Messrs. A. F. Ferguson and Company, Chartered Accountants of Bombay, have recently announced the opening of a branch office at Simla? If so, will the Government be pleased to state whether there is any restriction or not for opening of branch offices by professional accountants in different provinces?

(b) Is it not a fact that certified auditors holding permanent unrestricted certificate are required to obtain permission for the opening of branch offices?

(c) If the answer to (a) and (b) are in the affirmative, will the Government be pleased to explain the reasons for such differential treatment?

The Honourable Sir Charles Innes: (a) The Government have no information regarding the matter mentioned in the first part of the question. The reply to the second part is in the negative if, as is presumed, the Honourable Member refers to members of associations which have been notified under section 144 of the Companies Act, 1913.

(b) Yes.

(c) Under the Act it is for Local Governments to decide whether certified auditors should obtain permission for the opening of branch offices. Presumably they have made this rule because they desire to retain some measure of control over certified auditors.

Mr. E. G. Fleming: Is it customary for any Government to control the expansion of professional or commercial concerns already established within their territory?

The Honourable Sir Charles Innes: I think that depends upon the nature of the commercial concern. We adopt a special procedure in regard to certified auditors because we attach the very greatest importance to the proper auditing of accounts of public companies.

COLLEGES OF COMMERCE IN NORTHERN INDIA IMPARTING TRAINING IN ACCOUNTANCY.

893. ***Mr. C. S. Ranga Iyer:** (a) Are the Government aware of the fact that in Northern India comprising the United Provinces, Punjab, North West Frontier Province and Delhi, there is no Institute or College imparting accountancy education similar to that of the Sydenham College of Commerce, and the apprentices for G. D. A. examination from these provinces are compelled by the Accountancy Diploma Board to attend the class for two years at Bombay in accordance with the Regulations sanctioned by the Government of India in their No 247, dated 6th March 1919. and notified by the Government of Bombay under notification No. 4751, dated 17th October 1919?

(b) If the reply to (a) be in the affirmative, the Government may be pleased to explain the reason for not allowing the apprentices from the said provinces to serve five years' articles instead of three as at present in order to cover two years attendance at the college or Institute?

The Honourable Sir Charles Innes: (a) There is an institute in Northern India, namely, the Faculty of Commerce, Lucknow University, Lucknow, which is recognised by the Accountancy Diploma Board. It is not correct that candidates from the United Provinces, etc., are required to attend the Sydenham College of Commerce, Bombay, to the exclusion of all other recognised institutions of which there are six.

(b) Therefore does not arise

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

894. ***Mr. S. Sadiq Hasan:** Will Government be pleased to state:

(a) whether M. Abdul Aziz, a goods clerk in Lahore goods shed, was prosecuted in September, 1921, for theft of three cases of Scissors cigarettes, under section 381, I. P. C.?

(b) was he honourably acquitted by the trying Magistrate who held that the prosecution evidence against him was false?

- (c) If replies to (a) and (b) are in the affirmative, whether any departmental action was taken against the witnesses (Uttam Chand, Ganda Mal, Permeshri Das and Fazl Din), all employees of the goods shed, Lahore, Jullundar City and Jullundar Cantonment, who were found to have given false evidence in the case?

Mr. G. G. Sim: I propose to reply to this and the next six questions together

Government have no information and, as the alleged occurrences are stated to have occurred four years ago, do not consider that any useful purpose would be served by making inquiries.

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

†895. ***Mr. S. Sadiq Hasan:** Will Government be pleased to state:

- (a) Whether it is a fact that Dina Nath, assistant goods clerk, was held by the trying Court to be an accomplice of Abdul Mazid (the real culprit in the case)?
- (b) Whether he still holds his original appointment in the goods shed?
- (c) If replies to (a) and (b) are in the affirmative, what are the circumstances which led to the retention in service of Dina Nath?

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

†896. ***Mr. S. Sadiq Hasan:** Will Government be pleased to state:

- (a) Whether M. Abdul Aziz was asked to explain why he did not obtain the sanction of his departmental officer, namely, the D. T. S., Lahore, previous to his applying to the Court for permission to prosecute false witnesses against him?
- (b) Whether on receipt of his explanation he was warned to obtain such sanction in similar circumstances in future?
- (c) If replies to (a) and (b) are in the affirmative, what other circumstances arose necessitating the issue of the subsequent order directing him to withdraw the proceedings against the said witnesses in Court? Is it also a fact that on his representing the matter to T. M. (the head of the Department) and advancing the point that proceedings once withdrawn from the Court cannot be restarted and asking for his final orders it was held by Mr. Sirkar, A. T. S., Commercial, that if he were permitted to prosecute witnesses against him people could not be had to witness in the interest of the Railway?
- (d) Will Government please also say whether M. Abdul Aziz was served with one month's notice of the termination of his services because he did not carry out the orders of the Department in this respect?

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

†897. ***Mr. S. Sadiq Hasan:** Will Government be pleased to state:

- (a) What departmental rules and regulations there are forbidding the prosecution of witnesses giving false evidence against a railway employee under trial?

- (b) If there are no such rules, under what circumstances was M. Abdul Aziz ordered to withdraw his application to the Court for permission to prosecute persons who gave false evidence against him?

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

†898. ***Mr. S. Sadiq Hasan:** Will Government be pleased to state whether it is a fact that M. Abdul Aziz was discharged on one month's notice while he was on sick leave and the period of notice was not counted from the date of expiry of his leave, as is done in such cases, but from the date of the notice while he was on such leave?

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY

†899 ***Mr. S. Sadiq Hasan:** Will Government be pleased to state

- (a) Whether any compensation was given to M. Abdul Aziz for the monetary loss suffered by him in defending a false and protracted prosecution?
- (b) If not, do the Government intend to make any such reparation to him?

CASE OF M. ABDUL AZIZ, A GOODS CLERK ON THE NORTH WESTERN RAILWAY.

†900 ***Mr. S. Sadiq Hasan:** Will Government be pleased to say whether they are prepared to send for the file of M. Abdul Aziz and reconsider the matter?

PURCHASE OF NATAL COAL FOR THE SUKKUR BARRAGE.

901. ***Mr. R. K. Shanmukham Chetty:** With reference to the answer given to question No. 647, on 2nd February 1925, about the purchase of Natal coal for the requirements of the Sukkur Barrage, will Government be pleased to state:

- (a) the exact part played by the Chief Controller of Stores in the transaction?
- (b) what were the points on which his advice was sought by the Chief Engineer of the Sukkur Barrage, and what was the advice given?

The Honourable Sir Bhupendra Nath Mitra: The connection of the Chief Controller of Stores with this transaction was brought about originally and primarily by the Chief Engineer, Lloyd Barrage and Canals, invoking his assistance in the settlement of the question as to the most suitable type of power plant to be used in connection with the construction of the works under the charge of that officer and in the preparation of specifications for the plant which it might be decided to instal.

† For the Answer to this Question—see below question No. 894.

After discussion of the question with the Superintending Engineer, Lloyd Barrage, a tentative decision as to the type of plant to be adopted was arrived at, but as one of the most important factors in determining the type of power plant was the price of fuel, it was agreed that before deciding finally on the type of the main units of power plant to be adopted, competitive tenders for coal and oil should be called for, and a recommendation to this effect was made to the Chief Engineer, Lloyd Barrage and Canals. The Chief Engineer, Lloyd Barrage and Canals, accepted this recommendation and asked the Chief Controller of Stores to invite competitive tenders on a sliding scale basis for the quantities of coal and oil which he estimated would be required during the period of the construction of the works, and to communicate the results and his advice after an examination of the tenders. When accepting the proposal the Chief Engineer, Lloyd Barrage and Canals, indicated the conditions which should be provided for in the contracts and the Chief Controller of Stores embodied these conditions in his invitations to tender. Tenders were invited in July 1924 and when received they were examined by the Chief Controller of Stores who communicated the results and his advice to the Chief Engineer, Lloyd Barrage and Canals.

The main points on which the advice of the Chief Controller of Stores was sought were:

- (a) After an examination of the tenders to advise what type of power plant should be adopted.
- (b) Having regard to the conditions to be met, prices tendered and other factors, if a contract for supply of fuel over the period of construction (estimated at 8 years) should be entered into.
- (c) After an examination of the tenders received, to advise which tenders he considered most satisfactory and recommended for acceptance.

The advice given on the above points by the Chief Controller of Stores was:

- (a) That the tendered prices confirmed the tentative decision to adopt oil engines for the main power plant at Sukkur and coal burning for certain subsidiary plant.
- (b) That a contract for the supply of coal over the whole period of construction was not advisable at this stage and he recommended that, until matters had become more stable in the coal trade, long period contracts should not be entered into.
- (c) That after examining the tenders received, with due regard to the conditions of contract, he considered the tender of Messrs. Cowasjee and Sons for South African coal at Rs. 25 per ton F O R. Karachi, was the most satisfactory tender, but he suggested that the Chief Engineer, Lloyd Barrage and Canals, should discuss the contract with the firm and satisfy himself as to the firm's standing and reliability and also that the firm fully appreciated their obligations under the contract.

Mr. R. K. Shanmukham Chetty: Are we then to understand that the Chief Controller of Stores advised the Engineer of the Sukkur Barrage to purchase South African coal in preference to Indian coal? Was the coal purchased distinctly on the advice of the Chief Controller of Stores?

The Honourable Sir Bhupendra Nath Mitra: I have already given the Honourable Member the fullest facts of the case and he can form his own conclusions from the facts placed before him.

Mr. R. K. Shanmukham Chetty: From the answer given by my Honourable friend I understand that the contract was entered into by the Engineer of the Sukkur Barrage on the distinct advice of the Chief Controller of Stores. May I ask my Honourable friend whether, as a consequence of a Resolution passed by this House last year, the Government have not referred to the Tariff Board the question whether Indian coal requires protection as against foreign coal?

Mr. President: That does not arise.

Mr. R. K. Shanmukham Chetty: This is the preliminary point, Sir.

Mr. President: It is not preliminary but irrelevant.

Mr. K. C. Neogy: Will the Honourable Member inquire from the Chief Controller of Stores as to whether he had compared the calorific value of South African coal, as disclosed in the report of the South African Government, with the calorific value of the Indian coal which was tendered in connection with this transaction?

The Honourable Sir Bhupendra Nath Mitra: The question raised by the Honourable Member is not one for the consideration of the Government of India. The advice was given by the Chief Controller of Stores to an officer of the Bombay Government.

Mr. R. K. Shanmukham Chetty: Will the Government kindly instruct the Chief Controller of Stores not to do anything which will handicap the Indian coal industry pending the decisions of the Tariff Board on the matters now under discussion?

The Honourable Sir Bhupendra Nath Mitra: The Chief Controller of Stores has already been told to confine his activities to matters handed over to him.

Mr. R. K. Shanmukham Chetty: Are we then to understand, Sir, that this advice that the Chief Controller of Stores gave to the Engineer of the Sukkur Barrage is beyond the duties that have been entrusted to him?

The Honourable Sir Bhupendra Nath Mitra: So far as the Government of India are concerned.

Mr. R. K. Shanmukham Chetty: Did he do it in his private capacity or as a Government servant?

The Honourable Sir Bhupendra Nath Mitra: He did it as a Government servant undoubtedly, but whether it was proper or not for the Chief Engineer, Sukkur Barrage and Canals, to consult him in the matter I am not in a position to offer any opinion on.

Mr. K. C. Neogy: Do the Government of India exercise any control over the Chief Controller of Stores in regard to matters on which his advice may be called for by any Provincial Government?

The Honourable Sir Bhupendra Nath Mitra: No. If the advice is called for direct, it is obvious that the Government of India cannot interfere.

Mr. W. S. J. Willson: Arising out of your previous answer, do I understand that the Government of India disapprove of an expert, such as the Chief Controller of Stores, passing on any information of value he may have to an engineer in charge of works? And has it not been laid down in this House that goods are to be purchased in the best market and at the best price?

The Honourable Sir Bhupendra Nath Mitra: There is no objection to the Provincial Government consulting any expert officer of the Government of India in any matter on which the Local Government may want his opinion. But there is a certain allocation of duties among the various expert officers of the Government of India and that explains the reply I previously gave to this House.

Mr. K. C. Neogy: Has the Honourable Member any objection to publishing the letter of the Chief Controller of Stores to the Chief Engineer, Sukkur Barrage, in which he made the recommendation in favour of South African coal?

The Honourable Sir Bhupendra Nath Mitra: Not having seen the precise terms of the letter, I am not in a position to give the Honourable Member any assurance on that point.

Mr. Gaya Prasad Singh: Will the Honourable Member call for that letter?

Mr. President: Honourable Members will see from the unsatisfactory nature of this discussion that the proper place for ventilating this matter is the Bombay Legislative Council. It so happens that the Department in question has a certain responsibility in the precise matter raised by this question and therefore the question was admitted, but, as the operative decision lay in the hands of the Government of Bombay, the Bombay Legislative Council is the proper place for these questions.

NON-OFFICIAL RESOLUTIONS ADOPTED BY THE ASSEMBLY AND ACTION TAKEN BY GOVERNMENT THEREON.

902. ***Mr. R. K. Shanmukham Chetty:** Will Government be pleased to lay on the table a list of the Resolutions passed in this House during the year 1924 at the instance of non-official members, and the action taken by Government on each of those Resolutions?

Mr. L. Graham: The information asked for by the Honourable Member concerns several Departments of Government and is being collected. A statement will be laid on the table when the information has been collected.

SURPLUS SALT IN MADRAS.

903. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state whether it is a fact that a large quantity of unsold stocks of salt was lying in the Madras salt factories till recently as a result of over-production from the year 1919?

(b) Is it a fact that those stocks have been recently disposed of at very low prices, the lessees losing heavily on that account?

(c) Is it a fact that when the Government wanted in the year 1917 to enlarge the production of salt for export purposes certain lessees had been persuaded by the Government to undertake increased production?

(d) Is it a fact that those lessees, owing to the heavy losses they had suffered, have applied to the Government for compensation or relief? If so, with what result?

(e) Notwithstanding the difficulties experienced by the lessees on account of over-production in the past, is it a fact that fresh lands have been assigned in the Ganjam District for salt manufacture?

(f) Is it a fact that some licensees in the Madras Tuticorin Circle have not considered it worth while to manufacture salt owing to its selling price being less than its cost price?

(g) Is it a fact that salt is being imported into Madras from foreign countries and that such imports are not taxed by the Customs Department?

The Honourable Sir Basil Blackett: The information asked for by the Honourable Member is being obtained and will be furnished to him in due course.

STANDARDIZATION OF WEIGHTS AND MEASURES.

904. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state what are the different standards of weights and measures fixed for different provinces by the Government of India?

(b) Has any proposal been made to the Government to reduce all weights and measures to a uniform standard, if so, with what result? If not, do the Government propose to consider that proposal?

The Honourable Sir Charles Innes: (a) No standards of weights and measures have been fixed by the Government of India for the different provinces

(b) The Government of India fully considered in 1921 the question of the feasibility of introducing uniform weights and measures throughout India and their conclusions are stated in the Commerce Department Resolution No. 9, dated the 3rd January 1922, which was published in the Supplement to the Gazette of India of the 7th idem. The Honourable Member is referred to this Resolution and also to Mr Lindsay's speech in the Council of State on the 23rd September, 1921, in connection with Dr Ganganath Jha's Resolution on the subject

D CHARGE OF OFFICERS ON THE EAST INDIAN RAILWAY SINCE ITS TRANSFER TO STATE MANAGEMENT.

905. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state as a result of the assumption by the Government of India of the management of the East Indian Railway how many officers in all have been served with notices dispensing with their services?

(b) What is the respective nationality of each?

(c) What was the pay each officer was drawing?

(d) For what reasons have their services been dispensed with?

(e) Do the Government propose to fill up those vacancies or abolish the offices altogether?

Mr. G. G. Sim: (a) Five

(b) Two Europeans and three Indians

(c) Rs. 800, 675, 650, 550 and 425 per mensem, respectively.

(d) Inefficiency.

(e) Owing to the proposed amalgamation of the East Indian Railway and the Oudh and Rohilkhand Railway it is uncertain if there will be any vacancies on the amalgamated lines and no statement can be made at present

VERNAACULAR TESTS PRESCRIBED FOR MEMBERS OF THE INDIAN CIVIL SERVICE.

906 ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state whether it is a fact that members of the Indian Civil Service are required to undergo a test in the languages of the country, if so for what reasons?

(b) Are the Government prepared to take steps to ensure a working knowledge at least of the languages of the Provinces by the European members of the Indian Civil Service?

The Honourable Sir Alexander Muddiman: (a) Yes, in order to aid them in carrying on the work of administration

(b) The Government of India understand that the necessary steps have been taken by the Local Governments who are primarily concerned with the matter.

SALE OF STAMPS AT POST OFFICES ON SUNDAYS AND POST OFFICE HOLIDAYS.

907. ***Khan Bahadur W. M. Hussanally:** (a) With reference to the answer given by the Honourable Sir Bhupendra Nath Mitra to my supplementary question to question No. 667 on 3rd February 1925, will Government please state if it is a fact that no stamps are sold to the public at post offices on Sundays and post office holidays?

(b) If it is not a fact will Government state at what post offices are stamps available for sale to the public?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) The general practice in the Department is that postage stamps are for sale during certain hours on Sundays and other post office holidays in certain offices in the more important towns. Orders are now being issued that stamps should be sold in small quantities on Sundays and other post office holidays during the hours when a post office is kept open for delivery work

SALE OF POSTAL LABELS.

908 ***Khan Bahadur W. M. Hussanally:** (a) Will Government please make inquiries if it is not a fact that the sale of postal labels only at post offices causes very great inconvenience to the trade and the general public?

(b) If the procedure is an inconvenience do Government propose to remove the same?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member is referred to part (b) of the reply I gave on the 3rd February 1925 to Mr. Lohokare's starred question No. 667.

(b) Does not arise.

RESOLUTIONS OF THE RAILWAY PASSENGERS' CONFERENCE.

909. ***Kumar Ganganand Sinha**: Will the Government be pleased to state if they have received a copy of ten resolutions passed by the Railway Passengers' Conference which was held at Sonapur on the 11th November 1924, under the presidency of Mr. Gaya Prasad Singh, M. L. A., and if they propose to take any step in the matter?

Mr. G. G. Sim: Government have received copies of the resolutions mentioned. The Agents of the railways concerned are fully competent with the assistance of their Advisory Committees to deal with the matters referred to and in the circumstances Government do not propose to take any action.

Mr. Gaya Prasad Singh: Is it not a fact, Sir, that railway advisory committees are merely nominated bodies?

Mr. G. G. Sim: No, Sir.

Maulvi Mohammad Shafee: How are the members of the advisory committee nominated?

Mr. G. G. Sim: That information has been given in reply to many questions, but if the Honourable Member wishes a statement regarding each railway, I will supply it to him.

Mr. Gaya Prasad Singh: Are Government quite sure that these bodies are not nominated bodies?

Mr. G. G. Sim: They are not entirely nominated bodies.

Mr. B. Das: Do I understand, Sir, that the railways always consult these advisory boards?

Mr. G. G. Sim: Yes, they have meetings at fixed intervals—I think almost every month.

Mr. Gaya Prasad Singh: No, Sir. I think once in three months.

Mr. G. G. Sim: If the Honourable Member knows the reply, I do not see any reason why he should ask me the question.

Mr. Gaya Prasad Singh: That was not my question. But is it a fact that the proposals of the advisory committees have no binding effect on the railways concerned?

Mr. G. G. Sim: The Committees are advisory committees.

Mr. Gaya Prasad Singh: What is the use, Sir, of referring us to these advisory committees whose proposals have no binding value?

Mr. G. G. Sim: But they do give very useful advice and action is frequently taken on their advice.

THE BIHAR LIGHT HORSE.

910. ***Mr. Gaya Prasad Singh**: (a) With reference to my question No. 64 of the 23rd January, 1925, will the Government be pleased to state in what year the Bihar Light Horse was formed; and also give a statement, showing the numerical strength of the unit, and expenditure, if any, year by year, which Government had to incur under main heads together with the total amount expended up to date?

(b) Was there any occasion on which the Bihar Light Horse was called out? And if so, when, and under what circumstances, together with the costs involved, if any?

Mr. E. Burdon: (a) The Bihar Light Horse was originally formed as the Bihar Mounted Rifle Corps on the 8th December, 1862. Its designation was changed to that of the Bihar Light Horse on the 29th February, 1884.

The information asked for in the second part of this question, so far as it is readily available, is given in the statement laid on the table.

(b) The Government of India have no information on this point. So far as they are aware, the Bihar Light Horse was not called out at any time during the last four years.

Statement showing (i) the numerical strength of the Bihar Light Horse from 1918—1924 and (ii) the annual expenditure incurred in respect of this unit.

(i) NUMERICAL STRENGTH.

	British Officers.	Other ranks
1918	18	240
1919	15	232
1920	14	311
1921	18	367
1922	19	405
1923	17	395
1924	10	364

(ii) EXPENDITURE.

	Rs.
1923	1,82,767
1924 (to end of December 1924)	81,815

As the expenditure in respect of the Bihar Light Horse is not recorded separately in the accounts, the information asked for in respect of the period prior to 1923 is, it is regretted, not readily available. The collection of it would involve considerable labour on the part of the local military accounts authorities and, in the opinion of the Government of India, would not be justified by the result.

EXTENSION OF THE LEE COMMISSION'S RECOMMENDATIONS TO MEMBERS OF THE PROVINCIAL SERVICES AND THOSE OF THE IMPERIAL SERVICES OF ASIATIC DOMICILE.

911. ***Sardar Gulab Singh:** (a) Has the attention of the Government been drawn to the letter of Lord Ampthill published in the *Times*, an extract of which has been published in the *Pioneer*, dated 28th January, 1925, advocating that the Lee Commission recommendations should be extended to the members of the Imperial services of Asiatic domicile as well as to the members of the provincial services?

(b) If so will the Government be pleased to state whether any such proposal is under the contemplation of the Government of India?

The Honourable Sir Alexander Muddiman: (a) and (b). I have seen a reference to a letter in which Lord Ampthill is said to have advocated the extension of the recommendations to officers of non-Asiatic domicile in the provincial services, but I have seen no letter in which the proposal referred to in the Honourable Member's question has been advocated. I may, however, add that certain of the recommendations made by the Commission have already been extended to members of all-India and Superior Central Services who have an Asiatic domicile.

AMENDMENT OF THE NOTE TO RULE 87 OF THE FUNDAMENTAL RULES.

912 ***Haji S. A. K. Jeelani:** Will the Government be pleased to state:

- (1) whether it is a fact that Fundamental Rule 87 has been recently amended by the Secretary of State;
- (2) whether the effect of the amendment is to deprive the non-gazetted officers not only of the concession allowed to them in the note now deleted but also of the right of drawing average pay;
- (3) whether it is a fact that this same question came up before the Delhi Conference, and that Conference voted down the suggestion to treat substantive pay as the average pay for non-gazetted officers as impossible and unjust;
- (4) whether the Government of India agreed with the conclusion of the Conference and if so how this order was passed by the Secretary of State;
- (5) whether representations have been received from Service Associations and officers protesting against the change and praying for the restoration of the original note; and
- (6) whether the Government of India propose to move the Secretary of State to rescind his order.

The Honourable Sir Basil Blackett: (1) The Rule itself has not been altered, but the note under it has recently been amended by the Secretary of State in Council.

(2) The amended note takes away from certain non-gazetted officers a concession admissible under the old note, and the amendment will in some cases have the effect of preventing officers from drawing leave salary calculated on average pay.

(3) and (4). I gather that by "the Delhi Conference" the Honourable Member means a meeting of representatives of Local Governments held in November 1923 in Delhi to consider certain questions relating to the leave rules. If so, his information as to what took place is not quite accurate. The conference expressed the view that the Note under Fundamental Rule 87 caused unnecessary expenditure and recommended that it should be either modified or cancelled. The Government of India accepted that recommendation, and it was they who moved the Secretary of State in Council to make the amendment now in question.

(5) The Government of India have so far received only one such representation.

(6) The Government do not propose to take the action suggested.

OFFICERS IN THE MILITARY ACCOUNTS DEPARTMENT DRAWING
Rs. 550—850.

913. ***Haji S. A. K. Jeelani:** Will the Government be pleased to state:

- (a) How many officers on Rs. 550—850 are there in the Military Accounts Department? Of these how many are Indians of whom how many are Muhammadans?
- (b) of these Indian officers how many are there pending retirement?
- (c) whether these officers on completion of their leave would reach their 55th year, if not whether the leave pending retirement granted to those officers was on medical certificate as required by Articles 442 and 443, C. S. R.?

The Honourable Sir Basil Blackett: (a) There are 87 permanent and 19 temporary officers in the Military Accounts Department on a salary of Rs. 550—850. Of this number 70 are of full Indian descent and one of these is a Muhammadan

(b) Four are on leave pending retirement

(c) One will have completed 55 years of service on expiry of his leave. In two cases leave has been granted on medical grounds pending retirement after 30 years' service. In the fourth case retirement at the end of leave has been ordered for disciplinary reasons.

Mr. K. Ahmed: In view of the fact, Sir, that four officers are going to retire shortly, do Government propose to substitute these four officers by Muhammadans? There is only one Muhammadan out of 70 Indians.

The Honourable Sir Basil Blackett: I am quite sure that the Government will be very glad to appoint suitable Muhammadan candidates.

PROMOTION TO SUPERINTENDENT OF THE OFFICER IN THE COMMERCE
DEPARTMENT REDUCED FOR CERTAIN IRREGULARITIES.

914. ***Mr. B. Das:** (a) With reference to the Honourable the Commerce Member's answer to Sardar Mutalik's question No. 2250 in the last September session to the effect that a provisionally permanent Assistant Secretary in his Department had irregularly authorised the payment of advances to himself and was in consequence *reverted* to his substantive grade of First Division clerk, will the Honourable Member please state whether it is a fact that the officer in question was, at the time of the award of the punishment, on leave, and whether directly on his return from leave he was again promoted, practically permanently, to a gazetted post and did not work *as a clerk* in the Department even for a day?

(b) If the answer to the above is in the affirmative, will the Honourable Member please state the reasons for mitigating the effect of the punishment awarded?

The Honourable Sir Charles Innes: (a) and (b). It is not the fact that the officer in question was promoted to a gazetted post immediately on return from leave. A Superintendent unexpectedly died and the officer in question was subsequently made provisionally permanent in that grade as the Head of the Department considered he was the officer in the Department most suitable for the Superintendent's grade. His punishment has not been mitigated. The order of reversion did not debar him from opportunities of promotion which might occur.

DELAY IN THE SUBMISSION OF HIS ACCOUNTS BY THE SECRETARY OF THE
DECK PASSENGER COMMITTEE.

915. ***Mr. B. Das:** Will the Honourable the Finance Member please state:

Whether there was any inordinate delay on the part of the Secretary, Deck Passenger Committee of 1920-21, in the submission of the accounts of the Committee, and whether the matter was brought to the notice of the Government of India by the Auditor General? If so, will the Honourable Member please state what disciplinary action, if any, was taken against the officer concerned?

The Honourable Sir Charles Innes: The facts are generally as stated. The officer's confirmation was stopped, and after further inquiries into other matters, he was reverted as has already been explained.

PAYMENTS OF CLAIMS FOR GOODS LOST OR STOLEN ON INDIAN
RAILWAYS.

916. ***Khan Bahadur W. M. Hussanally:** (a) Will Government please state what was the total amount paid to the public as claims for goods lost or stolen on Indian Railways during the last three years separately?

(b) What is the total annual cost of the Claims Department of Indian Railways?

(c) What is the annual cost of Indian railway police and chowkidars?

(d) Do Government propose to adopt any special measures with a view to eliminate or reduce the heavy loss to the tax-payer in respect of payments on account of such claims?

Mr. G. G. Sim: (a) to (d). The attention of the Honourable Member is drawn to paragraphs 39 and 40 of Volume I and to Appendix E of Volume II of the Report by the Railway Board on Indian Railways for 1923-24 and to Volume II of the report for 1922-23 which contains all the information available.

THE STATION MASTER OF SIMLA.

917. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that until recently there was an Indian Station Master at Simla?

(b) That on his retirement the appointment was bestowed upon a European Guard in preference to other senior Indians and Anglo-Indians?

(c) What were the special reasons for making this appointment?

(d) Is it a fact that the N. W. R. Union protested against this appointment?

(e) If so, what was the result of the protest?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The selection of men for subordinate appointments is left to Railway Administrations who are in the best position to judge of their relative merits. Government are not aware of the reasons for the particular selection in this case.

(d) and (e). Government have no information.

CORRUPTION AND BLACKMAIL ON INDIAN RAILWAYS.

918. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that the N. W. R. Union recently passed a Resolution to the effect that the Departmental enquires into the complaints of bribery and blackmail of the staff against their superiors should be held jointly by the representatives of the Union and the Railway Administration? And is it a fact that the Agent in reply to that Resolution expressed his inability to do anything in the matter for want of suitable evidence in such cases and considered that the association of members of the Union in any such enquiry was not likely to obtain any such evidence?

(b) If this be a fact what steps do Government propose to take to put down corruption and blackmail on Indian Railways?

Mr. G. G. Sim: (a) and (b) The Government have no information. If such a resolution was passed by the Railway Union the Government think that the Agent was thoroughly justified in rejecting the suggestion. Agents must be trusted to take all possible measures to put down the practices referred to if they exist.

EXPENDITURE BY THE NORTH WESTERN RAILWAY ON THE EDUCATION OF THE CHILDREN OF THEIR EUROPEAN, ANGLO-INDIAN AND INDIAN EMPLOYEES.

919. ***Khan Bahadur W. M. Hussanally:** What is the annual expenditure of the N. W. R. on the education of the children (a) of European and Anglo-Indian employees, (b) of Indian employees including passes granted to children? What is the cost per head of each class?

Mr. G. G. Sim: The expenditure by the North Western Railway on the education of the children of European and Anglo-Indian employees during 1923-24 was Rs. 1,60,333 and of Indian employees Rs. 15,418. The cost per head of each class is Rs. 132 and Rs. 15 respectively

The value of the passes granted to children is not known.

INDIAN STATION MASTERS AND GUARDS ON THE NORTH WESTERN RAILWAY.

920. ***Khan Bahadur W. M. Hussanally:** (a) How many Indian (excluding statutory Indians) station masters are in charge of first class stations on the N. W. R. and how many Europeans and Anglo-Indians?

(b) How many Indian (excluding statutory Indians) guards run with mail and fast passenger trains on the N. W. R. and how many Europeans and Anglo-Indians?

(c) What is the reason for the disparity?

Mr. G. G. Sim: The Honourable Member is referred to the statistics given in Chapter V of the Report by the Railway Board on Indian Railways for 1923-24 showing the numbers by Departments of subordinate staff on Indian Railways classified under European, Anglo-Indian, Muslim and non-Muslims. The Government have no further statistics and do not propose to call for statistics in any greater detail.

COMPULSORY RETURN TICKETS FOR HAJ PILGRIMS.

921. ***Khan Bahadur W. M. Hussanally:** (a) Since when has the system of compulsory return tickets for the Hedjaz been introduced by executive order?

(b) How many such tickets have been issued up to date and of what value?

(c) How many of such tickets and of what value have been utilized?

(d) How many and of what value lapsed?

(e) With whom is that money?

(f) How do Government propose to utilize that money?

Mr. J. W. Bhore: (a) No system of compulsory return tickets has been introduced in India by Government.

(b), (c), (d), (e) and (f). Do not arise.

REPATRIATION OF HAJ PILGRIMS.

922. ***Khan Bahadur W. M. Hussanally:** (a) How many indigent pilgrims were expatriated from the Hedjaz during each of the last three Haj seasons?

(b) What was the cost of such expatriation during each of the three years?

(c) Who bore that cost?

Mr. J. W. Bhore: (a), (b) and (c) The Honourable Member is referred to the statement laid on the table on the 9th February, 1925, in reply to Maulvi Mohammad Shafee's starred question No 818.

LOAN OF STATE RAILWAY OFFICERS TO INDIAN RAILWAY COMPANIES
AND INDIAN STATE ADMINISTRATIONS.

923. ***Mr. E. F. Sykes:** Will the Government kindly state:

(a) (i) How many State Railway officers have been lent to Indian Railway Companies and Indian State Administrations?

(ii) Whether these officers are surplus to the requirements of State Railways and if so, why they were appointed?

(b) Are the Government prepared to undertake to restrict recruiting in future to the requirements of State Railways and to absorb the lent officers as early as possible?

Mr. G. G. Sim: (a) (i) The Honourable Member will find the names of the officers referred to in the Classified List, a copy of which is in the Library.

(a) (ii) and (b). The requirements of State Railways necessarily fluctuate in accordance with the construction and other special work in progress. The officers referred to are not ordinarily surplus although it may be possible temporarily to spare them. It is in the interests of Government that they should whenever possible lend officers to Companies who are managing State-owned Railways.

RECRUITMENT OF OFFICERS OF THE RAILWAY BOARD.

924. ***Mr. E. F. Sykes:** (a) Will the Government be pleased to say how many officers employed in the Railway Board and its Directorates are drawn from the staffs of Companies and Indian State Administrations?

(b) Whether any officers qualified for these appointments are to be found among the staffs referred to?

(c) If the answer to (b) is in the affirmative, are the Government prepared to undertake to recruit a due proportion of the Railway Board and its Directorates from such staffs?

Mr. G. G. Sim: (a) Of the officers employed in the Railway Board two are retired officers of Companies, two are drawn from the staff of Companies and 11 from those of State Railways.

(b) and (c) The most suitable officers from the staff of both Company-worked and State Railways are selected for appointments to the Railway Board and Government cannot undertake to fix any proportionate recruitment from any particular source.

RECRUITMENT OF GOVERNMENT INSPECTORS OF RAILWAYS.

925. ***Mr. E. F. Sykes:** Will the Government kindly state

(a) How many of the present Government Inspectors of Railways are drawn from the staffs of Indian Railway Companies and Indian State Administrations?

(b) Are any officers qualified for these appointments to be found among the staffs referred to?

(c) If the answer to (b) is in the affirmative, are the Government prepared to undertake to make a due proportion of such appointments by selection from these staffs?

Mr. G. G. Sim: (a) There are 8 Government Inspectors of Railways who are drawn from the staff of Indian State Railways.

(b) and (c). As an important part of the Government Inspectors' duties relates to the protection of Government interests on Company-worked lines it is considered necessary that officers holding these posts shall be drawn from the staff of State Railways

PROVISION OF A SEABOARD FOR BIHAR AND ORISSA.

926. ***Mr. B. Das:** (a) Is it not a fact that in the famous despatch of the Government of India of 25th August, 1911, to the Secretary of State on the formation of the province of Bihar and Orissa the following grounds were advanced for joining Orissa with Bihar?

Para. 20 * * * * "The Oriyas, like the Biharis, have little in common with the Bengalis, and we propose to leave Orissa (and the Sambalpur District) with Bihar and Chota Nagpur. We believe that this arrangement will accord with popular sentiment in Orissa, and *will be welcome to Bihar as presenting a seaboard to that province.*" * * * *

(b) Have Government taken any steps so far to provide this seaboard to B. and O. Province?

(c) Will Government be pleased to state whether the Government of B. and O. did approach the Government of India to provide this seaboard to that Province?

(d) Will Government be pleased to lay on the table all correspondence on the subject with the Government of B. and O.?

The Honourable Sir Charles Innes: I propose, Sir, with your permission to reply to questions Nos. 926, 928 and 929 together.

The despatch of August, 1911, merely stated a geographical fact, namely, that one of the boundaries of the new Province would be the sea. This is the case. The development of any of the small ports on that seaboard is a matter for the Local Government, and the Government of India have not intervened in the matter. There has been no correspondence either with the Bengal Nagpur Railway or the Calcutta Port Commissioners in recent years.

As regards the survey of Dhamrah Port, I invite the Honourable Member's attention to the answer which will be given to question No. 927.

Mr. B. Das: Am I to understand from the statement that the Honourable Member has made that seaboard means only the seaboard and no provision for a port?

The Honourable Sir Charles Innes: I believe, Sir, that is the correct meaning of the word "seaboard".

Mr. B. Das: Then may I know, Sir, whether the Government of India of the time wanted to provide the people of Bihar with sea baths on the Orissa coast and not with ports?

The Honourable Sir Charles Innes: If the Local Government wants a port, it is open to it to make one.

Mr. Gaya Prasad Singh: Have the Government of India received any proposals from the Government of Bihar and Orissa with regard to the provision of a port?

The Honourable Sir Charles Innes: I think we had some correspondence about False Point about two years ago. There, again, the Government of India suggested that it was a matter for the Local Government to decide.

Mr. Gaya Prasad Singh: Have they overruled the proposal of the Government of Bihar and Orissa.

The Honourable Sir Charles Innes: I must remind the Honourable Member that under the Devolution Rules only the major ports are a central subject and the minor ports are a provincial subject.

DEVELOPMENT OF DHAMRAH AS THE PORT OF BIHAR AND ORISSA.

927. ***Mr. B. Das:** (a) Is it a fact that the Government of B. and O. are anxious to develop Dhamrah on the Orissa Coast as the Port of the Province?

(b) Were the Government of India approached to send a marine expert to carry out a survey of this proposed port at Dhamrah?

(c) Will Government be pleased to state whether it is their intention to carry out a survey of this port at an early date?

Mr. E. Burdon: (a) to (c). The Government of Bihar and Orissa asked the Government of India last April whether the Royal Indian Marine could carry out a survey of the mouth of the Dhamrah River, as the Local Govern-

ment wished to ascertain what possibilities there were of developing the harbour in that river. The Government of India replied that owing to an already full programme the Marine Survey of India could not undertake the re-survey of the river before the cold weather of 1927-28. They suggested that the Local Government should endeavour to employ some other agency for the work.

Mr. B. Das: In view of the long period that the matter has already been under the consideration of the Government of India may I request the Honourable Member to expedite the matter and send an expert earlier than 1927-28?

Mr. E. Burdon: It is impossible to do so, as all the ships are fully occupied in work already promised for other Local Governments.

PROVISION OF A SEABOARD FOR BIHAR AND ORISSA.

†928 ***Mr. B. Das:** (a) Is it a fact that the B. N. Railway authorities and the Calcutta Port Trust are opposed to any separate seaboard for B. and O?

(b) Will Government be pleased to lay on the table all correspondence with the Agent of the B. N. Railway and the Port Commissioners of Calcutta on this subject?

PROVISION OF A SEABOARD FOR BIHAR AND ORISSA.

†929 ***Mr. B. Das:** (a) Will Government be pleased to state if they are going to stand by the spirit of the famous despatch of the Government of India of 25th August 1911, to the Secretary of State on the formation of the Province of Bihar and Orissa and take early steps to provide a seaboard to the province of B. and O.?

(b) Do they intend to take steps to send a Government of India marine expert (preferably not connected with the Calcutta Port Trust) to carry out the survey of the Dhamrah Port?

PRICE OF STATIONERY SOLD TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

930. ***Khan Bahadur W. M. Hussanally:** (a) Is it a fact that the price of paper has fallen since the war? If so, by how much?

(b) Is it a fact that the Government have recently raised the price of stationery sold to Members of the Assembly? If so, by how much?

(c) What are the reasons for the increase?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. The price of the high quality writing paper supplied to Members of the Legislative Assembly has fallen since 1918 by nearly twelve per cent.

(b) Yes, I place on the table a schedule showing the alterations made.

(c) The increased price is due largely to a more correct calculation of the cost of printing, embossing and packing. It must also be remembered that with effect from the 1st April, 1924, customs duty at fifteen per cent. is being paid by Government on imported paper.

• † For the Answer to this Question—see below question No. 926.

Schedule showing the alterations made in the price of Stationery sold to the Members of the Legislative Assembly.

		(Per hundred.)	
		Rs. A.	Rs. A.
Note paper, embossed, small post, 8 Vo. fly		1	8 to 1 12
Ditto single sheets		0	15 to 1 3
Ditto large post, 8 Vo fly		1	14 to 2 9
Ditto single sheets		1	8 to 1 10
Ditto quarto post, fly		2	5 to 4 4
Ditto single sheets		1	6 to 2 5
Paper cream wove foolscap		1	2 to 1 0
Envelopes, small post		1	12 to 1 13
Do. large post		2	2 to 2 6
Do. quarto post		2	14 to 3 6
Do. manilla 14" x 5"			no change.
Do. manilla 10" x 4½"		0	12 to 1 8

Mr. C. Duraiswami Aiyangar: Will I be right, Sir, if I suggest that the reason for the increase in the price of stationery is to take back any surplus in the allowances granted to Members?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, I did not catch the Honourable Member's question.

Mr. C. Duraiswami Aiyangar: It is not necessary to answer it.

UNSTARRED QUESTIONS AND ANSWERS.

LOCAL ALLOWANCES OF POSTAL CLERKS IN SIMLA.

129. **Mr. Devaki Prasad Sinha:** 1. Is it a fact that the scale of pay sanctioned for the postal clerks at Delhi and Lahore is Rs. 45—140 and that at Simla Rs. 40—130? If so, what is the reason for sanctioning a lower scale for Simla?

2. Is it a fact that after introduction of the time-scale of pay a local allowance for Simla, 38½ per cent. for the lower grade and 30 per cent. for the upper grade, has been sanctioned with a minimum of Rs. 25 and a maximum of Rs. 75 a month?

3. Is it a fact that this local allowance is not sanctioned for the clerks of the same grades working in the plains like Lahore and Delhi?

4. Is it a fact that at Simla the postal clerks up to Rs. 50 used to be paid Rs. 20 and postal clerks above Rs. 50 used to be paid Rs. 25 and the Deputy Postmaster Rs. 50 as local allowance prior to the introduction of the time-scale of pay?

5. Is it a fact that after the introduction of the time-scale of pay the local allowance has been reduced to the uniform rate of Rs. 20?

6. Is it a fact that the clerks in the lower cadre in the Office of the Director-General of Posts and Telegraphs used to get Rs. 50 as local allowance prior to the introduction of the time-scale of pay and local allowance at the same rate is still paid to them after the introduction of the time-scale of pay of Rs. 50 to 140?

7. Will the Government please state the reasons for this discrimination against the postal employees at Simla?

8. Are the Government prepared to consider the question of granting a local allowance to postal clerks at Simla at the rates paid to Local Government employees? If not, why?

The Honourable Sir Bhupendra Nath Mitra: 1 Yes, because the Postal Committee of 1920 after a consideration of the circumstances of the different places recommended a higher scale for Calcutta, Madras, Lahore, Delhi, etc., than for other 1st class head post offices in India such as Simla.

2. and 3 If the inquiries relate to the clerks of the Punjab Government the facts appear to be as stated.

4. Yes.

5. Yes, as the result of the review of all local allowances sanctioned for postal officials prior to the introduction of the enhanced rates of pay.

6. Yes

7 The staff employed in the post offices in Simla are in a station cadre under the Head Postmaster, Simla, whereas the portion of the Director-General's office that works at Simla-Delhi is treated as an office attached to the Government of India Secretariat and that establishment accordingly draws allowances admissible under the Simla Allowances Code.

8. No The existing rate for postal clerks is considered adequate.

GRANT OF A LOCAL ALLOWANCE TO THE DEPUTY POSTMASTER, SIMLA.

180. **Mr. Devaki Prasad Sinha:** (a) Is it a fact that the Superintendent of the Director-General's Office, Simla, pay Rs. 250 to 350, is paid a local allowance of Rs. 75 per month?

(b) Will the Government please state why the same local allowance is denied to the Deputy Postmaster of Simla whose pay is Rs. 250 to 350?

The Honourable Sir Bhupendra Nath Mitra: (a) The Chief Clerk (there is no Superintendent) of the Director-General's office at Simla-Delhi, pay Rs. 350—450, draws allowances under the Simla Allowances Code.

(b) The Honourable Member is referred to replies to parts 5 and 7 of his previous question

COUNTING OF OFFICIATING SERVICE RENDERED BY POSTAL AND R. M. S. OFFICIALS FOR FIXING THEIR INITIAL PAY IN THE TIME-SCALE.

181. **Mr. Devaki Prasad Sinha:** 1. (a) Will the Government be pleased to state if the benefit of officiating service rendered by Postal and Railway Mail Service officials confirmed before the date of issue of the Government Resolution on 23rd September 1920 introducing the time-scale of pay was allowed for fixing the initial pay in the time-scale and whether the same concession was also granted to the officials confirmed after the introduction of the Fundamental Rules on 1st January 1922? *

(b) Whether the same concession has been denied to officials confirmed between 23rd September 1920 and 1st January 1922? If so what is the reason for this discrimination?

2. (a) Will the Government be pleased to state whether the benefit of the officiating service was in the first instance conceded with effect from 1st March 1921 and many officials whose cases were promptly settled benefited by this concession as regards arrear pay?

(b) Whether officials whose cases were settled later on were allowed the benefit of the past service only with effect from 1st April 1924? If so, will the Government be pleased to state the reasons for this differential treatment?

3. Are the Government aware that recoveries had been made from officials whose claims to increased pay were subsequently admitted and the recoveries so made have not been refunded? Will the Government be pleased to state why the refund of amounts so recovered has been refused?

4. (a) Are the Government aware that records are not in all cases available relating to officiating services and that such officiating services can be verified by collateral evidence?

(b) Do the Government propose to admit such collateral evidence in support of officiating services in respect of which the records are not available?

Sir Geoffrey Clarke: The Honourable Member's attention is invited to the reply given by Mr. H. A. Sams on the 23rd September 1924 to Mr. Kamini Kumar Chanda's starred question No. 2357.

APPEALS OF POSTAL AND R. M. S. EMPLOYEES.

132. **Mr. Devaki Prasad Sinha:** (a) Has the attention of Government been drawn to the article under the heading "Individual cases" published in the General Letter for July, 1924, issued by the All-India (including Burma) Postal and R. M. S. Union?

(b) Is it a fact that the clerks of the office of the Director-General of Posts and Telegraphs dealing with appeal cases of Postal and R. M. S. employees instead of confining themselves to making a correct précis record their own views as to whether the appeals should be rejected or not?

(c) Is it a fact that when appeals are made to the Government of India the same clerks again make notes and record their remarks as to whether the appeals should be rejected or not and the files, with the remarks thus made by the clerks, go in original for orders to the Honourable Member in charge?

(d) Is it a fact that when cases are prepared by the Superintendent, Inspector or Postmaster statements of witnesses are often recorded in the absence of the accused, witnesses are sometimes privately called and interviewed before their statements are recorded openly, and the accused are not allowed to have access to statements and documents used against them?

(e) Do the Government propose to consider the desirability of improving the system of preparing cases against Postal and Railway Mail Service appeals and disposing of appeals in the lines suggested in the article?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes

(b) A précis is made by the Director-General's office but the decision is given personally by the Director-General after a careful consideration of the facts of the case and the evidence on record.

(c) On receipt of appeals to Government the case is again examined by the Director-General and a note is submitted by him to Honourable Member in charge.

(d) Statements of witnesses are not always recorded in the presence of the accused but the rules require that when an official is charged with an offence a charge sheet must be furnished to him specifying fully and clearly the offence he is charged with and briefly the evidence in support of it. He is then given full opportunity to make his defence before his case is decided.

(e) Government do not consider that any change in the system is necessary.

DEMANDS FOR GRANTS.

SUGGESTED FORM OF AMENDMENTS.

Sir Campbell Rhodes (Bengal: European): Sir, before the House proceeds with the consideration of the demands for supplementary grants, may I draw the attention of yourself, Sir, and of the House to the form in which the amendments have been moved. This form is one which has been hallowed by precedent in previous years, but the question is of some importance as we shall shortly be discussing the Budget. I suggest, Sir, that it would be a great convenience to private Members on this side of the House, and perhaps also to the Government, if we could be given by the Movers of these amendments a little more information as to the particular points that are to be raised in the discussion. For instance, the first motion under Demand No. 1 might have read: "That the demand under the head 'Customs' be reduced by Rs 100 in order to draw attention to" and then would follow the exact subject which the Honourable Member wished to raise. I know we can only ask the courtesy of private Members to put their amendments in such a form. But, I submit that it would be greatly to our advantage if we could come prepared to contribute some useful addition to the debate which, in the present form, we are unable to do.

Mr. President: As the Honourable Member himself has suggested, the form in which these motions for reduction appear on the paper is correct and therefore I do not take it that he wishes to find any fault with them. But, as a matter of courtesy to other Members and especially to enable them to know beforehand the subjects that will be raised on each motion for reduction, I think his suggestion might well be considered by those Members who put motions for reduction on the paper.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I may mention that when I give notice of such a motion at the time when the Budget is under discussion I often intimate to the Member in charge the points I propose to raise. It is but fair as a matter of courtesy only and not as a matter of right that we should intimate the points that we propose to raise, but it cannot be made a hard and fast rule. I want to give you, Sir, this warning because advantage should not be taken of this and it should not be made a precedent later on. Often times we have to rush through our amendment notices on account of the shortness of notice which we get of the Budget grants and which we have to do even before studying the matter fully. Therefore, points may arise when we study the Budget fully which we may have to raise on the motions. So long as that is safeguarded, Sir, I join my Honourable friend Sir Campbell Rhodes in suggesting that, as a matter of courtesy, this may be done.

The Honourable Sir Alexander Muddiman (Home Member): Sir, on behalf of the Government Benches I should like to say how greatly we should appreciate some arrangement of the nature suggested by my Honourable friend Sir Campbell Rhodes and supported by the Diwan Bahadur. It is extremely difficult to gather from the amendments which appear on the paper what is the particular point which is desired to be raised. I entirely agree that this procedure should not be made a hard and fast rule, but I suggest that it is a matter that might be very well developed as a precedent of the House subject to the reservation indicated by my Honourable friend Mr. Rangachariar.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna Non-Muhammadan Rural): *I should like to say, Sir, that, if it is proposed to state the exact purpose of the motion, it would be very inconvenient to do so. I shall, however, have no objection to the proposal that we should exchange our views and inform each other as to what we are going to do. That would be the right line to adopt. But if we are confined by the appropriate words in the motion itself, I consider that it would be very undesirable to adopt such a procedure. It seems to me that sometimes notice of motions such as those to which reference has been made is given to elicit information, sometimes it is given to make a suggestion and sometimes it is given for actually conveying a censure on the action of the Government. These motions are intended, Sir, for various purposes and it may be a combination of one or the other or all. Therefore, while I appreciate the exact proposals which have been made, I should think that the proper course to adopt is to do it unofficially and by private correspondence rather than by a motion which would limit the operation of this rule in practice. I suggest, therefore, for the consideration of the House that there should be no deviation so far as the rules go from the existing practice.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): May I Sir, in the first place, ask what is the practice followed in the House of Commons with regard to this matter. Secondly, if the form in which the Honourable Members have given notice of their amendments for reduction does not infringe the rules, I should like that the House should be placed in a position to follow the lines of argument raised by my Honourable friends from Bengal and Madras as well as the Honourable the Home Member who has made certain observations

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Land-holders) In this connection I may mention that at 12 Noon. would be very inconvenient for the House to follow the procedure which is suggested, namely, to mention all the points we want to raise, because that would restrict the debate to those points of the Members who move some motion for reduction. Perhaps one Member may have only some suggestions to make, but other Members may have other suggestions to make under the same head.

Mr. President: If the Honourable Member were to put down a motion that the demand under the head "Customs" be reduced by Rs. 100 in respect of a particular item the debate would be restricted to that particular item. I have already pointed out that the form in which the motions appear is correct, but I entirely agree with Sir Campbell Rhodes and the Deputy President, that the suggestion thrown out by them is one which, if carried out, would be of very great assistance to the House. It is not necessary that it should actually appear on the paper, but if the Honourable Member who proposed to move a reduction would inform the Member of Government of the points he proposed to raise, undoubtedly it would be to his own convenience and to the convenience of the Member for Government.

Sardar V. N. Mutalik: My suggestion is that the liberty of other Members should not be restricted by this suggestion.

* Not corrected by the Honourable Member.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian). The suggestion you have made, Sir, is somewhat inconsistent with the suggestion made by Sir Campbell Rhodes. What Sir Campbell Rhodes intimated was that if anything was on the agenda paper, it would be an intimation to other Members to follow the debate and take part in the discussion whereas your suggestion that the Mover of the motion should send an intimation to the Member of Government in charge of the Department would not carry out the purpose for which Sir Campbell Rhodes pleads.

Mr. President: I do not think we can carry on the debate much further; we can bring it more to a point by reference to Demand No. 15. Supposing when we come to the Budget for next year, an Honourable Member puts down a reduction under "General Administration", without giving any further indication, it is obvious that he is not giving as much information as he ought to give. A motion under the head "General Administration" must be presumed to indicate his intention to raise debate on the general policy of Government. If he thereupon gets up and proceeds to discuss some particular point of detail, I think not only the Government, but the House and the Chair would have some grievance against him.

DEMANDS FOR SUPPLEMENTARY GRANTS.

(CUSTOMS.

Mr. President: The House will now proceed to consider the demands for supplementary grants.

The question is:

"That a supplementary sum not exceeding Rs. 53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Customs'."

The Honourable Sir Basil Blackett (Finance Member). Sir, I do not think there is very much in this estimate that I need to explain to the House. The circumstances in which these extra sums are required are set out in the volumes of the Standing Finance Committee's meetings. I shall, of course, be glad to give any explanations that may be asked. I rise, however, at the moment in order that I may, with your leave, Sir, make a short statement about the supplementary estimates as a whole. We have before us a schedule of supplementary demands asking for an additional grant amounting to Rs. 1,49,54,000 for Revenue and a small sum of Rs. 15,000 for Capital. I would like to reassure the House at once in regard to the effect of that upon our expenditure. The biggest items concerned are "Opium" and "Refunds". In both these cases the effect is rather to reduce our revenue than to increase our expenditure. I may, however, say that there is no reason to fear that the result of the voting of these additional individual grants required here will be to cause any large excess on our total provision for the year owing to savings in other directions, which, under our new procedure, we do not bring before the House because it is not directly connected with the question of appropriation. The majority of the other grants are either very small ones, or are questions simply of transfer from one head to another, or from the head of non-voted to the head of voted expenditure, and do not in reality involve any addition at all to our expenditure.

Kumar Ganganand Sinha (Bhagalpur, Purneah and the Santhal Parganas: Non-Muhammadan). Sir, I have read the note printed in the book which details the demands and also the proceedings of the Finance Committee; but I regret that I have not become in any way wiser. We do not know the additional income that has accrued to the Government since the employment of the additional staff at the jetties. We are equally ignorant of the cases of smuggling which came to the notice of Government and resulted in the keeping of the additional staff at the Garden Reach jetties. Nor are we informed of the charges for the Inspectors at the jetties, and the revenues obtained during previous years and the current financial year up till the time when actual splitting up has taken place evidently showing the amount of increased charges. We are also in the dark as to the charge of the Inspectors of the different jetties in India, their establishment expenditure and contributions to the Government revenue and we are unable consequently to compare the figures. This information ought to have been contained in the Report of the Standing Finance Committee, and without this information I beg to submit it is very difficult to grasp the real situation and judge matters by themselves. My object in moving this motion is to get the information from the Honourable Member in charge so that the Members on this side of the House may be in possession of more facts about the grants.

Sir, I beg to move the motion that the demand under the Head "Customs" be reduced by Rs. 100.

The Honourable Sir Basil Blackett: Sir, I am afraid that if any attempt were made in respect of each item which appears in our supplementary demands to give anything approaching the information that is asked for by the Honourable Member who has just spoken, we should have to begin by coming to this House with a demand for a supplementary grant for at least a crore for additional staff and additional printing. I am sure the House will realise that the sort of information just asked for in justification of an item that amounts to Rs. 2,550 is a little unreasonable. I always do my best to give full information to the House, and in the Standing Finance Committee every endeavour is made to answer questions that are relevant to the matter in hand. One of the questions asked by the Honourable Member who has just spoken is, what is the additional revenue obtained by appointing an additional staff at the new jetties. I would point out to him that the proposals will be given effect to only from February 1st, 1925. So it is a little soon to talk about figures of additional revenue in that case. I regret that the Honourable Member is dissatisfied with the information before him. What he asks for is of such a detailed character that I hope the House will support me in saying that it is not the sort of information that I can reasonably be expected to carry in my head without notice.

The motion was negatived.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 53,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Customs'."

The motion was adopted.

•
OPIMUM. •

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 31,33,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Opium'."

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, since sending notice of my amendments regarding these demands for supplementary grants my attention has been drawn to one or two facts. With your permission, Sir, I wish to make a short statement with regard to these. The first is that these demands for supplementary grants refer to the Budget of last year, the Budget discussed last March, with regard to which the Swarajya Party, to which I have the honour to belong, assumed on good grounds an attitude of strict aloofness regarding the various details of the Budget. Now these supplementary demands being in connection with the same Budget it is desirable that we continue to throw the whole responsibility on the official Benches and do not take to either constructive or destructive criticism of any kind. In view therefore of this fact, I beg your permission to withdraw this amendment* as well as other amendments on to-day's agenda standing in my name.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural). +Sir, I beg to move that the demand under the head "Opium" be reduced by Rs. 100.

The object of my motion is to elicit certain information from the Honourable the Finance Member and also to make one or two suggestions in regard to the financing of the operations of the Opium Department. Sir, Honourable Members will note, if they turn to the detailed estimates of the demands for grants for the current year, that a provision of Rs. 1,89,80,000 has been made for the cultivation of opium in the United Provinces and also for payments for special cultivation in Malwa. The amount is Rs. 1,89,80,000. By the present motion my Honourable friend wishes to add another sum of 29 lakhs to this amount, and the object of this supplementary grant is stated to be that the cultivators have cultivated more poppy (*Diwan Bahadur T. Rangachariar*: "No, the yield was more.") The yield was much more than was expected and the payments to these cultivators have to be exceeded by a sum of 29 lakhs. The year before this there was also a similar request by the Government for a sum of 77 lakhs, for which a supplementary demand was brought forward in this Assembly in July 1923. I am mentioning these facts for the purpose of showing that the available balances in the hands of Government are very much disturbed by these operations of the department with reference to which no exact forecast can be made. As I said, in the previous year a supplementary demand for 77 lakhs was made and this year the Government have come forward with a demand for nearly 30 lakhs. Honourable Members will therefore see that the available balances will be reduced by these amounts. It may be that in a subsequent year these amounts may be recouped by the sale of the opium; but that is not my point. The point is that the current revenues are being disturbed and diverted in this manner, and the first question I should like to raise in

* That the demand under the head 'Opium' be reduced by Rs. 5 lakhs.

+ Not corrected by the Honourable Member.

[Diwan Bahadur M. Ramachandra Rao.]

this matter is whether the financing of the operations of the Opium Department should be necessarily from the current revenues of the year or whether the Honourable Member will devise another system of finance for this Department. We have already, Sir, some proposals which are now being carried out with reference to commercialising some of the departments of Government, and I would ask the Honourable Member seriously to consider whether, while the Provinces are starving for education, for medical relief, for health,—whether the Government of India still consider that they should stick to this antiquated system of financing the Opium Department from the revenues of the year I suggest to the Honourable Member the desirability of taking this department also out of the category of departments which should necessarily be financed from the revenues of the current year. *

Mr. President: He cannot do that on a supplementary estimate; the Honourable Member can only do that on the Budget.

Diwan Bahadur M. Ramachandra Rao: I submit, Sir, that so far as this matter is concerned, this is relevant because my Honourable friend has come forward to ask for 29 lakhs, and I suggest to him in this connection whether this could not be avoided if he were to adopt another system of financing the Opium Department.

Mr. President: As I have already pointed out to the Honourable Member, he cannot devise another system in the six weeks left to the current year and therefore on practical grounds as well as on grounds of order the Honourable Member ought to reserve his remarks till we come to the Budget itself. What is required here is a grant to supplement an estimate which the Honourable Member himself acknowledges could not have been accurately made a year ago.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): I should like to know what the Honourable Member proposes to do with this extra opium which comes into his hand in this way.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I have no intention of entering into the policy of the Government of India at this time with regard to Opium but I do wish to raise the question of this matter of supplementary estimates. I see the Government of India are asking for something like 35 lakhs of rupees 29 lakhs is the actual figure given but under Savings there is another sum added and I think the total amount for financing the cultivator is something like 35 lakhs out of an original budget of 118 lakhs. In other words, there has been a gross miscalculation at the beginning of the year—118 lakhs for the cultivators of the United Provinces. In the year 1922-23 the total amount for financing the cultivators was 70 lakhs. Might I ask why there has been this enormous increase?

In the second place, the demand conveys to us no information on this matter of the actual amount of opium involved. We would like to know how many more chests of opium have been actually produced. In the third place, I ask the question and it is this—What is the Government going to do with this opium? Is it to be carried over to the stocks of next year, and will there be a corresponding reduction in the cultivation as a result of these large stocks which are carried over? May I also ask, Sir, whether this overproduction does not in any way

involve an increase in smuggling or illicit traffic in opium within India itself? I would like assurances on all these points before I vote on this supplementary grant. The Government in their supplementary demands for grants on page 2 say:

“The Government of India are taking all possible steps to curtail the cultivation of opium both in the United Provinces and in Malwa;”

and in the same breath this year they ask for very substantial grants to supplement their original estimates.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I rise to oppose what has been said by the Honourable Members from Madras and Calcutta just now. Their objections are extraordinary. My friend from Calcutta said what will Government do with regard to the surplus quantity that has been produced of opium. Instead of giving a very big certificate, a diploma and prizes to the cultivators for the labour they have given and for the fertility of their land which has resulted in this big production, they wish to move a reduction.

As to forecasting accurately, may I ask my Honourable friend from Calcutta, who is a medical officer and has some experience of these matters, if he could give us a forecast about the disease of plague or fever in the town of Calcutta or what will be the number of patients in any year and the number of phials of quinine consumed. How much surplus will be necessary, it is not for the Government to say. It is not for the Department to say what will be the consumption for next year. It may be that there will be more opium eaters. Well, I suppose, Sir, that the Government expenditure is a little more than what it is bound to be owing to the surplus stocks. I hope that the Member from Madras will withdraw his motion.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non Muhammadan Rural): Sir, I also gave notice of a somewhat similar amendment, but I do not propose to move it. However, I wish the Honourable Sir Basil Blackett will be able to give us a clear idea as to what he means by saying that the Government are taking all possible steps to curtail the cultivation of opium both in the United Provinces and in Malwa. I would like him in doing so to give us an assurance, if he can possibly do it, that the curtailment will proceed to such an extent that the cultivation will not be more than what is necessary for use for medicinal and scientific purposes. I wish also, Sir, that the Honourable Member would make some statement as to what steps the Government of India mean to take with reference to the convention that has been recently come to at the Conference.

Mr. President: The convention is not in order here.

The Honourable Sir Basil Blackett: Sir, when I heard Mr. Kabeer-ud-din Ahmed speak, I was tempted to remark—*o si sic omnes*—would that there were more jolly fellows like him. But meanwhile, I must try to reply to the very pertinent questions that have been put to me. I think they were really all included in those put by Mr. Ramachandra Rao. It is perfectly true that both last year and this we have had to come to this House for very large increases in the grant we require to meet what I may call the working expenses of the Opium Department. The amount last year was over Rs. 70 lakhs; this year it is some Rs. 80 lakhs; at any rate we have made a rather better estimate this year; but it is undoubtedly a case where the difficulties of making a correct estimate are most extraordinary. The difference between a good year and a bad year for the

[Sir Basil Blackett]

production of opium might be something between 10 and 100. It is quite impossible at the time when the Budget is introduced to say what sort of season the next season is going to be. We have worked on averages; and averages in a case like this, although in the end they may work out as averages, are very misleading for the purpose of any one year's estimate.

The second point is, why when we had this excess last year did we not take steps to restrict the production of opium this year? The answer to that is that immediately we discovered the excess last year we set to work to take the necessary steps but due notice had to be given to the cultivators and it was impossible without very severe hardship to the cultivators to give them that notice as late as the summer of 1923, if we had to affect the crop of the following year. A certain amount of time had to be given them and in addition it is a matter in some cases actually of contract. But as a result of the experience of the summer of 1923, reinforced by last year's experience, the Government have taken the following steps. They have reduced the price paid to the cultivator for his crop. I have not got the exact figure in my mind, but it is quite a considerable reduction. The second step that has been taken is a considerable curtailment of the area permitted to be cultivated. It is quite possible that, if we have a poor season for the production of opium this year or the next, the change may be so much in the other direction that the greater part, if not the whole, of the additional stocks accumulated as a result of these two good years will be completely used up. But we have for some time been troubled by the increase in our stocks and it is most undesirable that we should have a large part of our cash balances locked up in any kind of unnecessary stocks: whether they are military stores or whether it is opium, it is equally objectionable. The difficulty of the carry over from year to year with a crop so uncertain as opium will be obvious to this House; and if I may trespass a moment, Sir, on the subject of commercial accounting, I can assure this House that we have taken up and are engaged in considering the possibility of the introduction of a system of commercial accounting into the Opium Department. There is one objection to doing so and that is there are considerable uncertainties at present in regard to the whole of our opium revenue; and we do not want to enter upon a large reform of a system, which always is troublesome to introduce, unless it is likely to be useful for a reasonable length of time. But I do not think that Diwan Bahadur Ramachandra Rao is correct in thinking that in the end this would make any particular difference to the amount that we should have available for the provinces; because it would simply be a question of introducing a commercial accounting system and not, I think, of carrying large stocks of opium on borrowed money. But even so, that would only make a difference of course for one year.

As regards the stocks, I am afraid I have not got the exact figure at which our stocks at present stand. I do not think there is any justification for the suggestion that the increase in the size of our stocks in any way increases the risks of smuggling. But that some smuggling goes on, I think more from the Malwa States than from the United Provinces, is undeniable. We think that it is within very limited bounds and it is almost entirely smuggling within India; it is not a question of export; but the size of our stocks has no connection with that question. Undoubtedly the size of the crop in any particular year has some connection; be-

cause on the usual law of averages the larger the amount of opium available for smuggling the larger the amount of smuggling; in a poor or year no doubt smuggling takes place to a lesser extent.

I have been asked by several Members as to what we do with the ext opium. We keep it in stock and it is used in following years. If, as h happened more than once, we have a bad crop year, the reduction our stocks will be very considerable; and I am inclined to think that tl reduction which we have made in the price which we pay to the cultivat together with the restriction of area will in any case tend to reduce o stocks even in a good year, because we have very considerably curtaile them. Of course you cannot do this sort of thing without a certain amou of hardship; and particularly in connection with the Malwa States son rather delicate negotiations are necessary. But the complaint again the Finance Member in this matter, as I was hearing it in another connecti the other day, is that he has been too hard-hearted in considering the int rests of the cultivators.

In view of the explanation which I have given, I trust the House w now be able to pass this demand. It is one which is really outside o control; and although it is perfectly right that this House should be calle upon to vote the amount required in accordance with any theory of appri priation, it is obvious that when you come to the working expenses an payments to cultivators in a particular department like this, neither th House nor the Finance Member can exercise that strict control which the exercise over, shall we say, the salaries in an accounts office.

Diwan Bahadur M. Ramachandra Rao: *Sir, in view of the statemen made by my Honourable friend,* Sir Basil Blackett, I do not wish to pres this motion. On the whole I should think that there are many ques tions of policy which will be raised at the time of the Budget debate an I trust that this matter which we have raised will receive his considere attention and that he will be able to make some announcement whe the matter is discussed at the time of the Budget.

I beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is: .

“That a supplementary sum not exceeding Rs. 31,33,000 be granted to the Govern General in Council to defray the charges which will come in course of payment durin the year ending the 31st March 1925, in respect of ‘Opium’.”

The motion was adopted. .

STAMPS.

Mr. President: The question is:

“That a supplementary sum not exceeding Rs. 2,75,000 be granted to the Govern General in Council to defray the charges which will come in course of payment durin the year ending the 31st March 1925, in respect of ‘Stamps (including expenditur in England)’.”

Kumar Ganganand Sinha: Sir, I beg to move that the demand unde the head ‘Stamps’ (page 3) be reduced by Rs. 100.

* Not corrected by the Honourable Member.

[Kumar Ganganand Sinha.]

In this connection, Sir, I would invite the attention of the House to my starred question No. 374 asked on the 28th January last. My question was :

"Are not the Government aware of the fact that Devanagari is more extensively used and read in Northern India than any other script? Will Government be pleased to state why it does not find a place in the Stamp Papers published and sold by and for the Government? . . ."

Mr. President: Am I to understand that the Honourable Member is raising the question of the language in which the inscription on stamps is printed?

Kumar Ganganand Sinha: Yes, Sir.

President: Then it is not in order.

Kumar Ganganand Sinha: Will it be in order if I raise the point during the Budget discussion, Sir?

Mr. President: I should think so.

The question is :

"That a supplementary sum not exceeding Rs. 2,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Stamps (including expenditure in England)'."

The motion was adopted

FORESTS.

Mr. President: The question is :

"That a supplementary sum not exceeding Rs. 48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Forests'."

The motion was adopted.

THE INDIAN POSTS AND TELEGRAPH DEPARTMENT.

Mr. President: The question is :

"That a supplementary sum not exceeding Rs. 10,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Indian Posts and Telegraph Department including working expenses'."

The motion was adopted.

THE INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Mr. President: The question is :

"That a supplementary sum not exceeding Rs. 89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Indo-European Telegraph Department (including working expenses)'."

The motion was adopted.

GENERAL ADMINISTRATION.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'General Administration'."

The motion was adopted.

POLICE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Police'."

The motion was adopted.

SURVEY OF INDIA.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Survey of India'."

The motion was adopted.

METEOROLOGY.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Meteorology'."

The motion was adopted.

MINES.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Mines'."

The motion was adopted.

OTHER SCIENTIFIC DEPARTMENTS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Other Scientific Departments'."

The motion was adopted.

EDUCATION.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,13,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Education'."

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I beg to move that the demand under the head "Education" be reduced by Re. 1.

I do not know, Sir, if this motion is carried who will pay that rupee, whether the Honourable the Finance Member who says he is prepared to do it or the Honourable Member in charge of Education or whether they will divide it half and half. Not being in the arcana of the Government of India, I directed my attack against the Honourable Member in charge of Education, and my complaint against him is this, that while I welcome and welcome with all my heart the additional grant proposed to the two Universities of Calcutta and Benares, what are the Government of India going to do for their home University? .

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): On a point of order, Sir. I should like your ruling as to whether the Honourable Member is in order in raising a question in regard to the Delhi University on Demand No. 29. Delhi University is provided for under an entirely different demand, Demand No. 52.

Mr. President: Is the Honourable Member referring to the original demand?

Mr. J. W. Bhore: Yes, Sir.

Mr. President: Then he is not in order.

The question is:

"That a supplementary sum not exceeding Rs. 1,13,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Education'."

The motion was adopted.

PUBLIC HEALTH.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 6,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Public Health'."

The motion was adopted.

EMIGRATION—EXTERNAL.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Emigration—External'."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 4,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Superannuation allowances and pensions'."

The motion was adopted.

REFUNDS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 85,07,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Refunds'."

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): *Sir, I beg to move that this demand be reduced by Rs 100.

If Honourable Members will turn to page 17 of the "Supplementary Demands for Grants," they will see that under the head "Miscellaneous Departments" a provision of Rs. 9,500 has been made for refund of rent for space in the British Empire Exhibition. I have no objection to this refund, but I have made this motion with a view to elicit certain information in regard to the British Empire Exhibition, and I hope the Honourable Member in charge will be able to give it to us.

The first point that I should like to raise is whether the Government of India have come to any decision in regard to taking part in the British Empire Exhibition during the next year. The question was raised in this House more than once, and it was suggested that India should not take part in the Exhibition. On the other hand, certain Honourable Members of this House have suggested that it would be to the great advantage of India that she should take part in this Exhibition. In answer to one or two supplementary questions, the Honourable Sir Charles Innes informed the House that the Government of India are considering the question whether they should continue to participate in this Exhibition. The question I wish to ask is whether they will afford this House an opportunity for discussing the desirability or otherwise of India participating in this Exhibition during the next year.

The second point is that I should like to know whether the accounts of this Exhibition have been closed, and what has become of the Commissioner of this Exhibition? Whether he is still in London or whether he is still engaged in the work of this Exhibition?

Mr. President: I am afraid I cannot allow the Honourable Member to open the whole field of the Exhibition on the question of "Refunds." I will allow the Finance Member, if he likes, to answer the first question.

The Honourable Sir Basil Blackett: Sir, I understand the first question that has been asked is with regard to the intentions of the Government of India as regards the representation of India as a Government at the Exhibition during the present calendar year. I regret, Sir, that I am not the Honourable Member—or rather I am glad to say I am not the Honourable Member in charge of the vote for the British Empire Exhibition. I would however, Sir, ask your ruling whether even that question is in order because this is not a vote for the expenditure on the British Empire Exhibition, which would have appeared under another vote. It is a vote for the refund of a sum of money due by the Government and therefore it is under the head of "Refunds" that it comes. But the actual purpose of this vote is to make a payment which was obviously an equitable payment to the

* Not corrected by the Honourable Member.

[Sir Basil Blackett.]

Patiala State for a certain space which had been originally allotted to it and had been surrendered. We find, for technical accounting reasons—and perfectly correctly—that a refund of this sort, not being under Statute, requires the assent of this House, but it is a refund which must be made in all honesty and I would therefore suggest that now that the Honourable the Commerce Member is present, this debate, if it is to be continued, should be continued by him.

Kumar Ganganand Sinha: Sir, I would like to ask the Honourable the Finance Member in whose name this motion stands as to why did not the Government wait to take the Assembly's decision and acted in such a way as has necessitated this refund; and as I have only got the figures for 1922 I would request the Honourable Member to supply me with certain figures for which I will ask him just now. I would like to know how much salt has been imported from foreign countries during the current year. Why does not the Government sufficiently develope and improve the conditions of Indian salt manufacture . . .

Mr. President: The Honourable Member cannot raise these questions on this vote. He may raise them on the Budget.

Kumar Ganganand Sinha: Very well, Sir.

Diwan Bahadur M. Ramachandra Rao: *May I ask the Honourable Sir Charles Innes, Sir, whether an opportunity will be given to us to discuss this question, as, in answer to supplementary questions that were put in this House last week and the week before, he said that the participation of India in the Empire Exhibition in 1925 will not impose any financial burden on India. I do not know whether I understood him correctly but I should like to know, Sir, whether there is any intention to participate in this Exhibition during the coming year and, if so, whether it is possible to estimate the cost to India of this participation.

The Honourable Sir Charles Innes (Commerce Member): I am afraid, Sir, that I cannot add to what I have already said to this House on the subject. I think that Mr. Ramachandra Rao will have an opportunity of raising a full debate when the ordinary budget demands come on at the beginning of next month. Then I hope to be able to give him full information on the subject. All I can say at present is that it is most unlikely that the Government of India will take part officially in the Exhibition and that there is no chance, as far as I can see, of our making any demand on the Assembly for the grant of money for this year's Exhibition.

Diwan Bahadur M. Ramachandra Rao: I withdraw my motion, Sir.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 85,07,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Refunds'."

The motion was adopted.

* Not corrected by the Honourable Member.

BALUCHISTAN.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Baluchistan'."

The motion was adopted.

RAJPUTANA.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 7,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Rajputana'."

The motion was adopted.

CENTRAL INDIA.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 39,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Central India'."

The motion was adopted.

HYDERABAD.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Hyderabad'."

The motion was adopted.

EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,32,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Expenditure in England under the Control of the Secretary of State for India'."

The motion was adopted.

IRRIGATION.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 15,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March 1925, in respect of 'Irrigation—Not charged to Revenue'."

The motion was adopted.

ELECTION OF PANELS FOR STANDING COMMITTEES.

The Honourable Sir Alexander Muddiman (Home Member). Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C., dated the 30th January, 1924, 4 panels consisting of 9 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Commerce Department, the Department of Education, Health and Lands, and the Department of Industries and Labour, respectively, will be nominated."

My basis for making that motion is the Notification which I have cited.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna Non-Muhammadan Rural). * Sir, before this motion is put to the vote, I should like the Honourable the Home Member to enlighten us as regards the exact work done during the last year by these Advisory Committees. Sir, there is a feeling that these Committees have become very ineffective and that their usefulness is not apparent. Sir, these Committees were constituted on a motion made in this House by my friend Mr. Neogy some time in 1922, and it is now three years since these Committees have been in existence, and we have no record of their proceedings. We have the Standing Finance Committee whose proceedings are placed before this House. We have the Public Accounts Committee whose proceedings are placed before this House. We have also now the Railway Finance Committee whose proceedings, I understand, will be printed and circulated to this House. But as regards these four committees, Members of this House know absolutely nothing of what they are doing. I am a member of one of these committees and I may say that we were summoned twice. I do not know whether the proceedings of these committees are considered confidential. So far as these three Departments, namely, the Commerce, Health and Lands, and Industries Departments, are concerned, there is absolutely no reason to consider that the activities of these committees should be regarded as confidential. There may be something to be said in the case of the Home Department where probably broad questions of policy in regard to the political situation in the country may come up for consideration. I am not a member of that Committee and I do not know anything about it. My friend to my left (Diwan Bahadur T. Rangachariar) will be able, I expect, to enlighten this House as to what they are doing in that Committee. Therefore, the first suggestion I would like to make, if these Committees are to be elected, is that we should have some account of their doings, the number of times they meet and the number of questions they consider, so that we may be in a position to say whether they are functioning well and whether the purposes for which they were constituted have been fulfilled. A good deal was said, Sir, in the discussion that took place on Mr. Neogy's Resolution in 1922 to the effect that these Committees were intended for the political education of the Members of this House. I do not know whether the activities of these Committees have given them that political education which was referred to in the proceedings of the Joint Parliamentary Committee and the proceedings of this House. I therefore wish that the Honourable the Home Member would make a statement as regards the work done by these Committees.

* Not corrected by the Honourable Member.

The Honourable Sir Alexander Muddiman: I do not know how far my Honourable friend is in order in raising these matters on this motion, and that is why I said when I moved this motion that I based my motion on the Notification which is indeed the sole ground on which I could move. The Notification, Sir, is a Notification by the Governor General. The constitution of these Committees is regulated by rules published in that Notification and I do think, Sir, that if the question of the constitution and duties of these Standing Committees is to be raised, it ought to be raised as a separate matter and not on a motion for the election of a panel for these Committees. On that point, Sir, I submit myself to your better judgment. I myself have only experience of one Committee. I had no idea that this question was going to be raised this morning and therefore I am not in a position to give any information as to the details of others. I may, however, draw the Honourable Member's attention to the fact that the Governor General has laid down in rule 5 that the functions of these Standing Committees are purely advisory and that their proceedings are to be strictly confidential. That is why, I gather, publication has not been made of their proceedings.

Diwan Bahadur M. Ramachandra Rao: Does that apply to all the Committees?

The Honourable Sir Alexander Muddiman: All the Committees were constituted by one Notification and rule 5 applies to them all.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): In this connection may I draw the attention of the Honourable the Home Member to the fact that on a previous occasion, when certain Bills moved by private Members were opposed by Government the spokesmen on behalf of the Government announced to the House that those Bills were placed before the Advisory Committee and that that Committee decided to advise Government to oppose the Bills? If the proceedings of these Committees were confidential, how is it that those secrets were divulged to this House only in respect of private Bills moved by non-official Members?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, as my Honourable friend Diwan Bahadur Ramachandra Rao has said, I had something to do with the creation of these Committees. But, Sir, I am prepared now, after three years have elapsed from the date on which I moved that Resolution, to oppose this motion. And why? Because, when we moved that Resolution and passed it in spite of vehement opposition on the part of the Government, and in fact after the House had divided itself, we thought, that while giving effect to that Resolution, Government would try to carry out the intentions which the Joint Parliamentary Committee had in mind in recommending the constitution of these Committees. But, Sir, I was evidently counting without my host. When once the Government set their heart upon a particular course of action, they are not likely to be deviated by whatever we may do in this House. That is a lesson which I have learnt during these few years. That is why I find that my Honourable friend and his colleagues who occupy the front benches on the other side of the House have done all that they could to reduce these bodies to a sort of

[Mr. K. C. Neogy.]

ornamental appendage to Government, which does no good either in the House or to the Government in any manner. When we first elected these panels we thought that we were placing some of our colleagues in a position to become more useful, in a position in which they would be enabled to see the inner working of the machinery of Government to far greater advantage than we in this House can. But as matters stand at present, the panels of these Committees have been reduced to no better than Honours Lists. There are so many names proposed, and so many persons elected and a fortunate few among them are in the end selected by the Government. They seldom meet and more seldom discuss anything but trivialities. That is the position to which my Honourable friend and his colleagues have reduced these Committees. Well, Sir, my Honourable friend and his colleagues are loud in their protestations that they have done all that they can to work the reforms and make them a success, and that it is only the obduracy of the non-officials that is responsible for the unsatisfactory working of the reforms. Here is a test. What have you done with regard to these Committees? I would advise my Honourable friend Sir Alexander Muddiman to read the report of the Joint Parliamentary Committee. Probably he knows a good deal more about these things than many of us here. Still I would recommend him to study the report of the Joint Parliamentary Committee and the recommendation made by the Montagu-Chelmsford Report in this connection, and the evidence given before the Joint Parliamentary Committee by retired Government officials like Sir John Hewett, Sir James Meston and Sir William Meyer. I do not ask my Honourable friend to attach any weight to the non-official opinion that was voiced in this connection before the Joint Parliamentary Committee.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Why not?

Mr. K. C. Neogy: Because I know they will not attach any value to that opinion. So, I say, read the evidence of Sir William Meyer, Sir John Hewett and Lord Meston himself and see whether you have carried out the intentions which the Montagu-Chelmsford Report and the Joint Parliamentary Committee had in mind in recommending the constitution of these Committees and the intention which this House had in recommending the establishment of these Committees. After he has read that, I have no doubt that my Honourable friend will admit that so far these Committees have not proved a success, and either he will be prepared to place real questions of policy before these Committees and take their advice on all important occasions, or vote with us in the same lobby, that is to say, the "Noes" lobby.

Mr. President: The question is:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F.49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.794-C., dated the 30th January, 1924, 4 panels consisting of 9 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Commerce Department, the Department of Education, Health and Lands, and the Department of Industries and Labour, respectively, will be nominated."

Sir Hari Singh Gour: I have my amendment, Sir.

Mr. President: The amendment is out of order. Clearly the Honourable Member cannot raise that matter, since it is already provided for in the rules. He can recommend to the Governor General that those rules be redrafted for this purpose.

Sir Hari Singh Gour: I am prepared to move it in that form.

Mr. President: He must do so on a Resolution; he cannot do it here.

The Assembly divided:

AYES—40.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdul Kasem, Maulvi.
Ahmed, Mr. K.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Ghose, Mr. S. C.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain
Hudson, Mr. W. F.

Innes, The Honourable Sir Charles
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra.
Nath.
Moir, Mr. T. E.
Maddiman, The Honourable Sir
Alexander
Mutalik, Sardar V. N.
Naidu, Mr. M. C.
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Wilson, Mr. R. A.

NOES—38.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Ajab Khan, Captain
Belvi, Mr. D. V.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Ismail Khan, Mr.
Ivengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.
Kelkar, Mr. N. C.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Nambiyar, Mr. K. K.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Ray, Mr. Kumar Sankar
Roy, Mr. Bhabendra Chandra.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khar
Bahadur.
Shafee, Maulvi Mohammad.
Sinha, Kumar Ganganand
Wajihuddin, Haji.

The motion was adopted.

Mr. President: As a result of the decision just made, I have to announce that nominations for the panel will be received in the office of the Assembly up to 12 noon on Thursday, the 19th of February, and elections for all Committees will be held in this Chamber on Tuesday, the 24th of February.

THE PRISONS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce a Bill to amend the Prisons Act, 1894.

The Bill which I seek to introduce is a very small one. It makes certain minor amendments in the present Act to give effect to some of the recommendations of the Indian Jails Committee. All the recommendations to which this Bill gives effect have been set out in the Statement of Objects and Reasons. All these amendments are in favour of the subject and will therefore probably commend themselves to this House. I move

Mr. President: The question is:

“That leave be given to introduce a Bill to amend the Prisons Act, 1894.”

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I introduce the Bill.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. E. Burdon (Army Secretary): Sir, I move for leave to introduce a Bill to amend the Cantonments Act, 1924.

It is hardly necessary for me to add anything to what is said in the Statement of Objects and Reasons. The Bill which I desire to introduce is of a very simple and formal character. I dare say there are many Honourable Members in this House who will remember that the preparation and the passage of the Cantonments Act of 1924 were pressed forward with a considerable degree of expedition. This was done in order to meet the public opinion which was anxious that the reforms in cantonment administration, which would be embodied in the Act, should be introduced as early as possible. It is, therefore, perhaps hardly surprising that subsequent experience has brought to light a relatively small number of minor defects which it is the object of this Bill to remove. Sir, I move for leave.

Mr. President: The question is:

“That leave be given to introduce a Bill to amend the Cantonments Act, 1924.”

The motion was adopted.

Mr. E. Burdon: Sir, I introduce the Bill.

THE CONTEMPT OF COURTS BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move:

“That the Bill to define and limit the powers of certain Courts in punishing contempts of Courts, be circulated for the purpose of eliciting opinions thereon.”

I introduced this Bill only three days ago and the observations which I made on that occasion must be within the recollection of the House. I think, therefore, that it will be unnecessary for me to go into the provisions which this Bill seeks to introduce into law. I will merely say in

support of the motion that the Bill be circulated that this seems to be clearly a Bill on which we should have the opinions of the High Courts themselves since their own powers are affected and we should also have the opinions of the local Governments as well as the opinions of the local public. When these opinions are received we shall be able to consider the Bill in a Select Committee and come to conclusions on the proposed new law. With these observations, Sir, I move for the circulation of the Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan). Sir, I should like to make a few observations on the scope and object of this Bill before it goes into circulation. In the first place, I should like to correct a few printing errors which have crept in in the Statement of Objects and Reasons. Reference is made to 17, Calcutta Weekly Notes, page 1285. The case will be found reported on page 1253. It is said that there were two cases of the Calcutta High Court. Honourable Members will find that there is only one case reported both in 17, Calcutta Weekly Notes, 1253, and 41 Calcutta, 173. The two cases are the same. The name Girindra Mohan Das is also wrong. It is the case of the *Amrita Bazar Patrika* in the Barisal case. Referring to the third case taken from 21 Madras Law Journal. 832, I think the correct reference is 10, Madras Law Times, page 209—12 I. C. 293. I make these observations, Sir, in case Honourable Members who wish to refer to the cases themselves might like to see them.

Now, Sir, I wish very briefly to take the Members of this House through the law bearing upon this subject. The Honourable the Home Member in introducing this Bill stated that there was a divergence of opinion between the Madras and the Bombay High Courts on the one side and the Calcutta High Court on the other. It is so. But if you examine the facts of the Madras case you will find that what happened there was this. A certain pleader had sent a certain notice to a subordinate judge threatening certain civil proceedings and thereupon the case was reported to the High Court consisting of the Chief Justice and his two associate Judges. The Vakil who appeared on behalf of the pleader immediately threw himself on the mercy of the Court by tendering an apology for his client's indiscreet act and said that he did not wish to complain of the jurisdiction of the Court but the Court nevertheless had some doubts about their jurisdiction and they asked him to argue the question as an *amicus curiæ* and he argued it and the Honourable Judges of the High Court say that they have their jurisdiction under common law. As to this Lord Halsbury in his "Laws of England", Vol. 7, page 281, footnote (a), says:

"The origin of the summary jurisdiction in the common law courts is obscure."

And yet it is the standpoint of the Madras High Court. It was a case in which Their Lordships of the Madras High Court pronounced an *obiter dictum* which was not necessary for the decision of that case. In the Bombay case the Honourable the Chief Justice and Mr. Justice Lalubhai Shah differed. Sir Lalubhai Shah agreed with the Honourable the Chief Justice of Bengal. With the utmost deference may I point out that the learned Chief Justice overlooked one salient feature of the case pointed out by the Special Bench of the High Court, presided over by no less a Judge than Sir Lawrence Jenkins, and Mr. Justice Moqkerjee and his third associate Mr. Justice Stephen, who all agreed that the jurisdiction was limited to the King's Bench and that under common law the High

[Sir Hari Singh Gour.]

Court of Calcutta had no jurisdiction to deal with cases of contempt arising in proceedings before subordinate Courts.

Now, let me briefly state to the House what the question at issue is. The question at issue is this. Have the High Courts in India jurisdiction to punish summarily without a trial and without the right of appeal a person who commits contempt of Court before a subordinate Court? This is the sole question in the case. The Madras and the Bombay High Courts in the cases to which I have referred rely upon certain English cases. But the Honourable Judges of the Calcutta High Court have pointed out that this is a peculiar privilege of the King's Bench and therefore the High Courts in India by their constitution never received that privilege. Their Lordships of the Calcutta High Court might have cited the high authority of Sir James Stephen who in the History of the Criminal Law, Volume I, page 93, deals with this point. I read this passage because a very important question turns on it. This passage says:

"The Court of King's Bench represented so much of the ordinary jurisdiction of the *Curia Regis* as was not appropriated to the Common Pleas and the Exchequer. It had no definite known beginning as a separate institution, but the following points in relation to it may be noticed. The name "*Curia Regis*" begins, according to Madox, to cease to be used in the Records after the enactment of Magna Charta, and the pleas which would have been described as being held in the *Curia Regis* are said to be held *coram ipso rege*. This form of expression corresponds to the style which belonged to the Judges of the Court of Queen's Bench down to its abolition, 'the Justices of our Lady the Queen assigned to hold pleas before the Queen herself'. It also corresponds to the singular legal fiction which supposed the king to be in some mystical way personally present in the Court of Queen's Bench (it may be in all the superior courts) which was the reason assigned for the extreme severity with which contempts of such courts might be punished."

The peculiar jurisdiction of the English King's Bench is traceable therefore to the fact that it was there believed by a legal fiction that the King was himself present there, and consequently he had summary and plenary jurisdiction to punish all contempt without trial and without any right of appeal. The Chief Justice of the Calcutta High Court (Sir Lawrence Jenkins) pointed out that this arbitrary and uncontrolled power was a power which arose under the English constitution and was centred in and confined to the King's Bench, and he therefore points out that that is not the power which any of the colonial Courts received with their charter or with their constitution. This is admitted by the two other High Courts. Honourable Members will further see that during the last 300 years that the English constitution has been developed this power has not been enlarged, but, on the other hand, has been curtailed by the case law to which I am about to refer. Lord Halsbury in his "Laws of England" points out that it is only in cases where the contempt of Court seriously prejudices the trial that the Court will punish, and this was decided in the case of *Rex versus Dolan*, 2 Irish Reports, 260. I therefore submit, Sir, that, so far as the English law is concerned, the power is almost an anachronism, and Mr. Justice Mukerjee in delivering his judgment in the Special Bench case of the Calcutta High Court, points out that even as far back as the civil law this power was never exercised. I will read to you a passage, a very short one, from 41 Calcutta, 260:

"This reluctance of the Courts to take action, except in cases of great gravity, may be traced to quite respectable antiquity. Historians record that when Emperor Augustus desired to punish a historian for contempt, Mecaenus advised him that the best policy was to let such things pass and be forgotten. Cæsar said on a similar occasion that to retaliate was only to contend with impudence and put oneself on the

same level, and even Tiberius acted upon the same view. The Theodosian Code also made this the law and expressly declared that slanderers of Majesty should be unpunished, for if this proceeded from levity, it was to be despised, if from madness it was to be pitied, and if from malice, it was to be forgiven, for all such sayings were to be regarded according to the weight they bore."

I quote this for the purpose of showing that that not only embodies the view of the Judges of the Calcutta High Court, but that they point out that for a long period in history in the civil law of Rome this arbitrary, uncontrolled power of punishing the counsel and the press for contempts of court has not been exercised, except in cases of the gravity to which I have adverted. Now, Sir, I further wish to point out to this House that legal writers, both in England and America, have regarded this power as almost obsolete and exercisable only by the Court of the King and in exceptional cases. I refer to an article in 16 Law Quarterly Review, at page 292, cited by Lord Halsbury in his "Laws of England", volume 7, page 28, foot-note (e), and I beg to draw the attention of this House to the American view stated in 25 Harvard Law Review, page 561, cited by Mr. Justice Mookerjee in 41 Calcutta, at page 251.

Now, Sir, to sum up this part of my argument, I find it comes to this, that the power of summary disposal of contempt cases was unknown to the civil law. It was limited in England to the King's Bench, and in India the High Court of Calcutta have laid down that that power of punishing for contempt was not inherited by the late Courts, of which the Calcutta High Court is the successor. The Honourable the Home Member, in introducing the Bill, referred to a similar motion made in 1914. I have before me, Sir, the proceedings of the late Imperial Legislative Council of the 18th March 1914. Printed on page 858 I find that Sir Reginald Craddock, in introducing the motion for strengthening the existing law, wanted to add two sections after section 288 of the Indian Penal Code, namely, sections 288A and 288B. In other words, what he wanted to do was to add two sections to the Indian Penal Code, but he did not intend to provide for the summary disposal of contempt cases, and he gave very good reasons why summary disposal of such cases was inadvisable. I give you his words. He says:

"Moreover even Judges are human, and it is well to guard against the possibility, I will say the remote possibility, that the outraged feeling of the Judge might lead to a somewhat hasty or severe treatment of contempt of judicial authority. The Bill, therefore, contemplates that offences of this kind should be ordinary offences instituted and tried as such by the appropriate Courts."

So that in 1914 the intention of the Government of India was to deal with contempt cases by incorporating two sections into the Indian Penal Code, and the offender would be tried under the ordinary Code of Criminal Procedure. In this respect, as I shall presently point out to this House, this Bill makes a departure, and a departure against the interests of the subject.

Now, Sir, I shall very briefly state to this House how far this Bill is intended to strengthen the present law. If Honourable Members will turn to clause 4 of the Bill, they will find that it enables the High Courts to prescribe their own procedure for the punishment of such offenders. In other words, it is intended to give the High Courts an absolutely plenary jurisdiction to deal with cases of contempt committed in the subordinate courts and without any right of appeal. The second point to which I would invite the attention of this House is that the definition of the words

[Sir Hari Singh Gour.]

"contempt of court" is far too wide, and wider than has found favour with the English Judges. Any attempt to interfere with or obstruct the administration of justice is defined in clause 2 as amounting to contempt of Court. I have already pointed out to this House that in England any obstruction or interference with the administration of justice is not treated as contempt of Court unless it seriously prejudices the trial. And Honourable Members will further find that in England contempt of Court is divided into two classes, criminal contempt of Court and contempt in procedure, and it is only in the case of criminal contempt of Court that the summary procedure is applicable to the King's Court. I therefore submit, Sir, that the definition of "contempt of Court" as given in clause 2 embraces not only what would be regarded as criminal contempt but also contempt in procedure.

My next submission to the House is that under clause 2, sub-clause (2), it is provided that:

"whoever commits any contempt of court in respect of a Court specified in the Schedule or of a court subordinate thereto may be punished with imprisonment for a term which may extend to six months, or with fine or with both."

Honourable Members will find that in England it is only when an indictment on information is not calculated to serve the end of justice that summary procedure is resorted to. Matthew Judge in *Re Maria Annie Davis* (1888), 21 Queen's Bench Division, page 236, at page 239 observed:

"Recourse ought not to be had to process of contempt, in aid of a civil remedy, where there is any other method of doing justice."

These are the sapient words of a learned Judge and I beg to ask what effect has been given to them in sub-clause (2) of clause 2. I therefore submit that when this Bill goes out to the public for the purpose of eliciting opinions thereon, the Home Department should draw the attention of the Honourable Judges in the different Provinces to what the state of the English law is, to what the state of the American law is, to what the state of the Civil law is and how in 1914 it was the intention of Government to bring cases of contempt under the ordinary law of criminal procedure and why now for the first time the Government of India have thought it to have recourse to this summary procedure in disposing of such cases without providing for any right of appeal.

One more point, Sir. Honourable Members will find that in clause 4 of the Bill provision is made towards the end that either they may make rules or a Court so specified in the Schedule shall have in such proceedings all the powers conferred on the Court in the exercise of its original criminal jurisdiction. Now I beg to ask what original criminal jurisdiction do the High Courts of Allahabad, Patna, Lahore, Rangoon, and the Courts of the Judicial Commissioners named in the schedule, exercise? And I further beg to ask, Sir, if under clause 4 of this Bill the High Courts are free to make their own rules, what directions have you given that whatever punishment is inflicted upon an offender the punishment shall be subject to the right of appeal? Honourable Members will see, if they refer to the three cases, the Madras, Bombay and Calcutta cases to which reference has been made in the Statement of Objects and Reasons, that in every one of those cases the High Courts had to admit that the question was not free from difficulty. In the Bombay case the Chief Justice, when he found that his associate Judge, Mr. Justice Shah, was against him and

was in favour of following the Calcutta view, said: "In view of the conflict of authority I shall discharge the rule"; and the judgment, therefore, of the Bombay High Court became an *obiter dictum*. In the Calcutta case three Judges of the Special Bench had to deal with the case of certain comments which the *Amrita Bazar Patrika* had made on what is known now as the Barisal Conspiracy Case and they pointed out that it is not every criticism of a pending case before a Subordinate Judge that constitutes contempt of Court but such as would seriously prejudice the trial of the case. And I beg to submit that if any definition of contempt of Court is to be formulated by the Government of India it should be upon the narrow lines laid down by the English Courts and approved by the Calcutta Judges. I therefore submit, Sir, that while I cannot oppose the motion of the Honourable the Home Member for circulation, I would ask him to examine his position in the light of the remarks I have made, for I have no doubt that this Bill at least requires to be redrafted and its provisions in many places revised before it is brought up again for further consideration.

Mr. President: The question is:

"That the Bill to define and limit the powers of certain Courts in punishing contempts of Courts, be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th February, 1925.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, District Publication Branch, 8, Hastings Street, Calcutta.

